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**THE**  
**LETTERS**  
**OF**  
**THEMISTOCLES.**

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From the Author.

The Earl of Oxford.

Feb 10 1795.

LETTERS

OF

THE

THEMISTOCLES

LETTERS

OF

THEMISTOCLES

LONDON

AND THE NEW BOOKS

*K. Moines*

THE

LETTERS

OF

THEMISTOCLES.

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*Repandez vos bienfaits ;  
Il est Grand, il est beau, de faire des Ingrats.*  
BOILEAU.

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LONDON:

PRINTED FOR HOOKHAM AND CARPENTER,  
OLD AND NEW BOND-STREET.

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1795.



THE

# DEDICATION LETTERS

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HORACE  
THEMISTOCLES



copy to your library & the  
of the British Museum, the  
of the British Museum, the

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of the British Museum, the  
of the British Museum, the

LONDON:

PRINTED FOR HODGKINS & CO.  
1795

# DEDICATION.

TO THE RIGHT HONOURABLE

HORACE WALPOLE,

EARL OF ORFORD,

&c. &c. &c.

**P**ERMIT me, my Lord, to dedicate this short, but laborious compilation, to you; as an humble tribute to your Lordship's numerous and acknowledged virtues, in public and in private life.

To whom, indeed, with such propriety could a Work that professes an industrious inquiry into the abuse,

struse, remote, and intricate parts of our annals, be addressed, as to the *British Plutarch*; the Critic; the able Antiquarian; and faithful Historian; who, with a rare and happy combination of classical elegance and minute observation, has investigated, and illustrated the most curious, perhaps, the most interesting departments of our annals.

Whose pages, while they record the merits of the most distinguished of our Nobles; shall transmit his own discerning taste, accurate observation, and judicious selection, to a distant, an impartial, and an applauding posterity.

I have the honour to be

Your Lordship's most obedient,  
and very humble servant,

MOUNTMORRES.

London, Jan. 1795.

PREFACE.

## P R E F A C E.

**T**HE Author flatters himself, that in this short compilation, and in so small a space, he has comprised all the cases ; the sum and substance of all that was advanced upon the great question of the Regency.

He has always, notwithstanding the present mode, and prevailing fashion, of tautology and repetition, as a writer and a speaker, adhered to the maxim of a great ancient,

*Quicquid*



*Quicquid precipies brevis esto ; et cito dicta ;  
Percipiant animi faciles, teneantque fideles.*

This comprehensive brevity seems to have been carried to its utmost perfection, by ancient writers. The Treaty between the Romans and Carthaginians, is comprised in less than thirty lines ; which would have occupied twice as many pages, when amplified by modern tautologies.

The Treaty, preserved in the precious fragments of Polybius, is as ample, as coercive, more intelligible and positive, than it would have been ; if it had been extended to the size of a volume of the Corps Diplomatique.\*

The

\* The following is a literal translation of the treaty at the end of the first Punic war, from the original Greek of the 3d Chapter of the

The only scheme similar to the  
Regency, in 1788-9, of creating a  
Regent

the 3d Book, of the invaluable history of Poly-  
bius ; and it proves how much important mat-  
ter may be comprised in a few lines.

“ Between the Romans and allies ;—and the  
“ Carthaginians, Tyrians, Uticeans, and their  
“ allies ; there shall be peace upon the follow-  
“ ing terms :

“ 1. The Romans shall not sail, nor colonize  
“ beyond the Fair Promontory, Mestia, and  
“ Tarfeium.

“ 2. If the Carthaginians should take any  
“ city of the Latins, beyond the Roman jurif-  
“ diction, they shall keep only their prisoners  
“ and booty—but shall restore the place.

“ 3. If the Carthaginians should make cap-  
“ tives, among a people solemnly allied with  
“ Rome, and bring them into Roman ports,  
“ they may be reclaimed ; and this condition, is  
“ reciprocally binding upon the Romans.

Regent during the life of a monarch,  
is recorded by Bishop Burnet.

It was a project, as the Bishop  
says, originating from himself; but  
adopted

“ 4. The Romans may land for water or  
“ provisions in any colony of Carthage; pro-  
“ vided they shall depart without injury, when  
“ supplied with necessaries.

“ 5. Infractions of these two last articles,  
“ shall be deemed public injuries, and a just  
“ cause of war between the parties.

“ 6. The Romans shall not trade, nor colo-  
“ nize, nor visit Sardinia and Africa, only to  
“ refit and victual their ships;—if they should  
“ be driven there by storms, they must remain  
“ only five days on those coasts.

“ 7. In the Carthaginian part of Sicily, and  
“ in Carthage itself, the Romans may traffic,  
“ and expose their wares to sale like natives;  
“ and this condition is reciprocal for the  
“ Carthaginians at Rome.”

adopted by the Second Charles; to regain the affections of the people after the Diffolution, in 1681, of the Oxford Parliament.

The King designed to have it moved in Parliament, by Sir Thomas Littleton; and the form was; that the Prince of Orange should preside, during the reign of the Duke of York, with the title of Prince Regent, with full and ample powers as a sovereign.

Lord Halifax and Sir Edward Seymour, approved this scheme—but Sir William Jones, with his usual firmness and virtuous impartiality, opposed this project upon legal grounds.



He considered the person and prerogative of a King to be inseparable during his life ; that the power must be vested in him ; that resumption could not be avoided ; and that such a delegation must produce a civil war.

Sir William Jones's reasons prevailed ; and this speculative project, like that in 1789, fortunately, was rendered abortive.\*

Touching the great question of the Spanish Convention, in 1790, the information continued in the 11th, 13th, and 15th letters turned upon the following interesting and curious circumstances :

\* Burnet's History of his own Time, v. ii. p. 490.

The population and situation of Spanish America, were stated from documents given to the author, by a native of those districts—born at Curassoa, in Mexico.

This was the celebrated General de Miranda. The project, which originated the dispute about Nootka Sound, was a design to emancipate the Spanish American colonies, to destroy their monopoly with the mother country, and to enable England to participate in their commerce.

This project, it is supposed, was communicated to our ministers, and so far patronized by them, as to generate the question about the Whale Fishery, and the establishment at Nootka Sound.

This scheme was always predominant with that extraordinary man—and it afterwards formed a part of a celebrated plan, submitted by him at Paris, to the National Convention.

The author saw this project in a very unfavourable light, contrary to our national engagements, and derogatory to the eighth article of the treaty of Utrecht; an unjust aggression; and, therefore, highly impolitical and inexpedient; as no temporary advantage can ever justify an infraction of a solemn treaty, or the breach of national good faith.

It was known to this extraordinary man at the time, that the author had written these letters, and was adverse to his project.

But,

But, so far was it from lessening his esteem for a lover of information and a friend to truth; that he then communicated to him a most interesting treatise, as the work of the late King of Sweden, which, in the second edition, was enriched with most valuable notes, from the same source—the best abridgment that has appeared of the present state of northern politics, and which has been exempted in the second impression, from the typographical blunders—perhaps designed mistakes, of the printer of the first edition. \*

General de Miranda was a soldier of fortune, but honourable and

\* The danger of the Political Balance of Europe, the second edition, printed for T. Becket, Pall Mall.

true



true to the party with whom he engaged for a temporary purpose.

If there were nothing else to recommend the invaluable military memoirs of General Dumourier, one of the first compilations of that kind that has appeared in the present momentous crisis ; it would be his portrait of that singular character.

From the tenor of his conversation, the author collected that he was much disappointed by administration, in his hopes of a pension, for the information he gave about Spanish America—and from which, he understands, a valuable map, drawn from actual surveys, will shortly be published.

Had

Had those generous and liberal patrons of real merit, the London booksellers, been possessed of the advantages the author enjoyed, in the perusal of those journals, which General de Miranda had composed in his travels through every part of Europe, particularly in Russia and Turkey, (recorded elsewhere by the author)\* they, doubtless, would have purchased travels superior to those of any late writer; and infinitely beyond those of Cox, or any of the present fashionable and superficial compilers.

These interesting anecdotes necessarily bring to the author's recollection, his last conversation with that

\* Article Temple, Irish Parliamentary History, v. ii. p. 165.

extraordinary man, on the probable consequences of the French Revolution; upon his return to London, in January 1792, after a year's residence in that country.

Nor can the author ever regret too much; that his persuasive talents were not equal to the sincerity of his heart, and the warmth of his friendship upon that conference.

And that they could not save General de Miranda, and a late distinguished member of the British senate, from following the dictates of disappointed expectation;—the latter from a fatal and ignominious lot;—the former from a dangerous, though at first brilliant destiny—but both of them ultimately, from certain ruin and sure destruction.

What

The following Essays were compiled principally for the Author's amusement ; and were the product of some leisure hours, while he was absent from the Irish Parliament.

Men who have been conversant in political life, and in the exercise of their intellectual faculties, know well ; that they cannot long remain fallow, and rust in idleness, without contracting that inactivity which, in time, will hurt the power of combination : hence the necessity of continuing their exertions in the active scenes of political life, or of substituting artificial exercise, for real occupation.

For this reason, the following letters were written ; as well as a compilation



pilation lately published under the title of the Crisis, and by these means the Author was enabled to exercise his talents in the public service, when he was removed from an actual appearance upon the political stage.

Nor were those speculations, he hopes, altogether useless, from the flattering reception they found from the liberal, the impartial, and indulgent patronage of the public; having been copied from the paper where they originally appeared, into many of the public prints, with the most flattering eulogiums.

Of those testimonies, one only is inserted: \* but even those who blamed

\* The Second Letter.

the

the tendency of some of those letters upon Irish affairs, yet praised the style, while they condemned it as a vehicle of misrepresentation.

Time, however, the great discoverer of truth, has rendered ample justice to the statements in those Essays, since they have been amply justified by subsequent events; and it is now manifest, that the Author never concealed, garbled, or mistated any facts, that could be of public utility.

As the Essays upon the Regency commenced before the meeting of Parliament, on the 9th of December, 1788, they possibly were received with more attention from the public, as the case was then so novel, and

men were desirous of any lights that could be thrown upon a new, intricate, and arduous question. The Writer, however, had spared no pains to obtain information, as will be evident from a speech, pronounced on that occasion the 19th of February, 1789, which is added in the Appendix.

Those letters which related to the affairs of Ireland, and to the great question of the corporate rights of the city of Dublin, had the desired effect in elucidating a question little known, because not much considered, in this country; which, when it was thoroughly understood, was happily silenced by the prudence and wisdom of those Ministers in England, who did not wish to involve the tranquillity

quillity of Ireland, perhaps of both kingdoms, in a contest; where nothing was to be gained but the substitution of one Lord Mayor, or of one Alderman for another.

The Essays that related to the Spanish war, in which this country was nearly precipitated; were compiled from information, obtained accidentally from a source, as has been mentioned before, of the first authenticity; and it may be truly said, without ostentation, that the knowledge of that intricate question was from one who afterwards appeared in the theatre of Europe with the greatest eclat, and who, if that war had actually taken place, would have had a considerable lead, and have been, perhaps, the principal adviser



and conductor of our enterprizes and expeditions against South America.\*

Touching

\* It always struck the Author that the most beneficial treaties might be formed with Spain, which would ultimately give more real, solid, and permanent advantages to England, than could be hoped from any conquest, or any acquisition that could be obtained from the most successful war against Spain; an opinion which is corroborated, by the information of one of our most intelligent and enlightened travellers.

“ Considering (says Mr. Townshend) the similarity of character between the two nations, the Spanish and the English, with the strong predilection of the former in favour of the latter; the peculiar wants of both, and their mutual ability to supply those wants, I cannot but lament sincerely, that a better understanding should not subsist between them; tending, in the first instance, to a new family compact, at least to a *family connection*, and ending finally

in the Rev. Mr. Townshend, vol. iii. p. 323.

Touching the letters upon the great question of an Impeachment, which has been so long depending, they were but *conjectures* upon the principles that have hitherto prevailed upon those prosecutions; when they were interrupted by the prorogation and dissolution of Parliament.

in a commercial intercourse, beneficial to both nations."

These are the earnest wishes of the Spaniards, as appears by their well known adage.

"Con Todo el Mundo Guerra;  
Y Paz, con Inglaterra."

"Peace with England, and war with the whole world:"

and from one end of the kingdom to the other, the same sentiment prevails.—Travels in Spain, by the Rev. Mr. Townshend, vol. iii. p. 353.

An

An humble tribute to justice : though it cannot be denied that the Author has always regretted the fate of a man, who preserved our empire in the East by his wisdom, foresight, and ability ; while we lost a vast empire in the West, by the folly, rashness, and incapacity of those who directed the national councils, in the American crusade.

The characters of three very eminent men are added in the Appendix. They were drawn from early, long, and intimate knowledge ; and with all of them the Author lived in the closest friendship, which was never interrupted. The anecdotes of Dr. Franklin were communicated by himself, when the Author spent a day with him at Passy, in March 1783, in company

pany with the late Duke de la Rochefoucault.

Though these articles have little reference to the politics of the day, yet, as they have all been so conspicuous on the stage of life, their insertion may not be unacceptable to the liberal and ingenuous reader; at least it will, in two instances, gratify a private wish in the Author, to pay a due tribute to the memory of such distinguished characters.

*Hos saltem accumulem donis,  
Et fungar inani munere.*

VIR.

It is not from mere vanity that the Writer is induced to reveal his name, and to acknowledge the following Effays, but to guard against malignant



nant and ungenerous insinuations ; too often predominant against those who enter into the public service from the purest motives, and with the best intentions.

As it was accidentally known that he had employed his time in speculations in the public prints, it was insinuated by some artful partisans, from whom he had suffered an unmerited and unjust persecution, grounded only upon the general tendency of those minds who persevere in injuries, because they had offered them to those who never deserved them ; that he had used his talents to misrepresent and calumniate in the public prints under a masqued character ; and many articles were supposed to have originated from him, which

which it may be necessary publicly to disavow.

It became therefore necessary to prefix his name to these letters, and thus to separate truth from falsehood; fairly to meet any criticism or obloquy that might flow from these productions; or to claim that merit to which possibly they might be entitled from a generous and indulgent Public.

What the author advanced as a general observation in the Crisis, a late compilation, \* may, with strict propriety, precede this collection of letters also :

\* The Crisis, second edition, printed for Hookham and Carpenter, Bond-street.

That

That he has never thought that a *vis inertia* was creditable in any rank, or the necessary appendage of nobility; but, that he has always considered, that the most general and most extensively beneficial, was the most honourable and dignified employment.

**MOUNTMORRES.**

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most honest and dignified em-  
ployment.*

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A Speech delivered on the 19th of February, 1789, on the question of appointing a Regent in Ireland, with unlimited powers.

Re-published; with additional notes and illustrations, of the extraordinary circumstances, with which it was preceded and accompanied.

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CHARACTER of Dr. Franklin: drawn from anecdotes communicated by that

## ERRATA.

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Character of Mr. Flood: of his eloquence and

political conduct, p. 13.—p. 24.

A speech delivered on the 10th of February, 1789, on the question of appointing a Regent in Ireland, with unlimited powers.

Re-published: with additional notes and illustrations, of the extraordinary circumstances, with which it was preceded and accompanied.

LETTERS.

to Mr. West, the printer of the Boston Advertiser, and the following letter, was addressed

No. 1. SATURDAY, Nov. 30, 1788.

SIR,  
I HAVE lately read in the public prints a history of American History, from the earliest periods - about 1000 years with great surprise, that there is no account of the most important revolution for Royal Power, which occurs in our annals, and of the only example of this sort which resembles a supposed case, and applies immediately to the present crisis.

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# LETTERS,

&c.

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\* \* This, and the following Letters, were addressed to Mr. Woodfall, the printer of the Public Advertiser.

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No. 1. SATURDAY, Nov. 30, 1788.

SIR,

I HAVE lately read in the public prints, a history of ENGLISH REGENCIES, from the earliest periods—but I observe with great surprise, that there is no account of the most important commission for Regal Power, which occurs in our annals, and of the only example of this sort which resembles a supposed case, and applies immediately to the present crisis.

B

The



The provision which the wisdom of the legislature may make upon the present emergency, is far beyond my capacity, or even conjecture; nor am I possessed of a faculty which has lately been much admired, that of talking with plausibility upon subjects which I do not understand; but public curiosity will naturally ask, has not the legislature heretofore made provisions for that suspension of Regal Power which might happen, during the life, the actual possession and incumbency of a British Monarch? Were they made in quiet and peaceable times? Did such a commission ever present an Interregnum? Did they hold a Parliament, and exercise all the functions of Regal Power? To this I answer, that I believe such a precedent can readily be found; the subsequent reference will subject this opinion to easy and popular refutation, and as a lover of truth, I wish to be refuted if I am wrong; but if

it

it be a fact, accompanied with the aforesaid requisites, it may fairly be displayed to an intelligent public, and offered to the contemplation of the people of England.

And here, in November 1788, the centenary of the Revolution, let me pause for a moment upon that great event, which first caused, and upon the act of settlement, which accomplished the transfer of the crown, under judicious limitations, to a Protestant King, and to the House of Brunswick. It leads me to consider the appointment of a commission by an act of Parliament, the members of which may be regarded as the executors of the political testament of King William, of the act of Settlement, the temporary representatives of Royalty in the best times, the faithful trustees of the Protestant and of the Hanover successions, though their own removal from administration

was considered as the necessary consequence of the accession in 1714.

The act appointing this commission was in 1713—seven commissioners were named, the Archbishop of Canterbury, the Lord Chancellor, the Privy Seal, the Lord President, First Lord of the Admiralty, Chief Justice of the Queen's Bench, and Lord Treasurer, or the temporary occupiers of those offices, which I presume formed the cabinet of Queen Anne, joined with commissioners, to be nominated by the Elector of Hanover, by an instrument deposited in the hands of his resident at the English court, under certain provisions in that act, which was opened upon the Queen's death, and contained the names of eighteen noblemen.

This is an outline of this measure: those who wish to be clearly understood, should labour to be brief—ample  
and

and authentic documents of this transaction are to be traced in the Journals and Statutes at Large; but as these are not in every man's hands, a popular and comprehensive account of this commission is to be found in the years 1713 and 1714, in Tindal's Continuation of Rapin's History.

Had it not been for this wise precaution, the Parliament which assembled for the first time by the act of Queen Anne, upon the demise of the Crown, would have been a Convention Parliament; but by this judicious commission no interregnum ensued; Royalty was represented; the Parliament was opened in the name of this commission, by a speech from the Chancellor; two acts were passed, one of them a money bill, which obtained the Royal assent, when they prorogued the Parliament: in a word, the commission fulfilled all the duties of a King, from the death of



Queen Anne, the 31st of July, 1714, to the 20th of September, for near two months before the arrival of King George the First.

X And now let me hazard a conjecture, and ask of wise and intelligent men a plain question. If this law had been perpetual, and not temporary, or, in other terms, if this were a principle of our constitution, that the great officers whose counsels have directed the State, or, in a word, the cabinet, were to form a commission to represent Royalty, to prevent interregnums, and the mischiefs arising from the suspension of regal power, or what may be apprehended if the present malady should continue, whether such a principle would not be accompanied with the best consequences, and give consistency and confidence in our foreign and domestic measures, and prevent much mischief and animosity in the appointment of

of future commissions of Regency? Those men must be ignorant of our history, who do not know that the first cause of quarrel between King George the First and his illustrious successor, was his being named regent in 1716, and set aside by a commission of Regency, in a subsequent period of that reign.

Opinions have been given, it is reported, of the necessity of appointing a sole administrator of the realm, and of a principle of law which specifically prescribes that designation. To assert is one thing, and to prove is another; it may be asked, with due deference, where such a principle exists? Is it to be found in any act of Parliament? Is it warranted by custom, or common-law, when two sole commissions appear, that of the Prince of Wales in 1716, and that of Queen Caroline in 1732, since the Revolution, for twenty

examples of a different complexion? Is it justified by legal proceedings, in the affairs of individuals?

Great politicians, wise for themselves, and for their own purposes, may give such opinions, and wish to act the part of the vicar of Bray, under various administrations and successive governments, but in a great and opulent country it is to be presumed a majority of independent men may be found, who will be governed by a regard to the welfare of their country.

Every generous mind must sympathize with female sensibility, with suffering virtue, with afflicted Royalty. Every liberal man will render prompt justice, and an ample testimony to the conduct of the Heir Apparent.

Whenever he shall, by a regular succession, and by a just devolution of power,

power, be seated on the throne of his ancestors, may he enjoy it with every appanage of royalty! and wise and good men will then wish that he may be governed by prudence and discretion in the arduous task of appointing ministers of his own peculiar choice, and personal approbation.

### THEMISTOCLES.

Whenever he shall, by a regular succession, and by a just devolution of power,



No. 2. WEDNESDAY, Dec. 3, 1788.

SIR,

**I**N all Governments there must be a power of supremacy lodged somewhere, and a power of discretion. During the suspension, by Divine Providence, of one of the three estates of the kingdom, there is no mathematical demonstration clearer than the right of the other two to supply the temporary defect in the constitution, in order to give effect to the legislative and executive powers of government. The question then is, how is it to be supplied? Upon principles that are good, and not upon precedents that are bad, and projects that are ruinous, is the answer of every friend to Great Britain.

The power of Parliament being admitted, the State necessity, and the precedents before our eyes, the matter will, undoubtedly,

undoubtedly, be taken into the most serious consideration; and such is the virtue and wisdom of Parliament, and the merit of the legislative power, that great confidence is placed by the nation on their conduct, which I have no doubt will be for the honour of the crown, and for the welfare of the people. The crisis is highly important to Europe, as well as to Britain.

Without disputing the power or wisdom of Parliament, or the virtue of Mr. Pitt's administration, of which I have a very high opinion, I contend there is a wide difference between the power of doing a thing, and the propriety of doing it. Writers of one description having clearly established the only case in point in the reign of Henry VI. it is the duty of others of a different description, to put them in mind of the effect of that sole Regency.

Of all the productions upon the subject of a Regency (many of which are the random effusions of party) none strike my mind so forcibly with conviction, as an excellent letter in your paper, signed "Themistocles." The author writes like a gentleman, a scholar, an able statesman, and a faithful historian. With great modesty he produces incontrovertible facts, and draws such fair conclusions as do him infinite honour, and shew to a demonstration that he is a friend to truth and to his country; and an enemy only to those who, for the purposes of party, disguise the one, and betray the other.

Themistocles will forgive me, if I am not able to do justice to the ease, the elegance, and manliness of his diction. The precision and ability with which he writes would do credit to Junius, and the principles he avows would do honour even to Lord Chatham. He is,  
upon

upon this subject, a faithful historian, and an able commentator. As the princes of the House of Hanover should be guided by events subsequent to the glorious Revolution that placed them on the throne, nothing can be more to the purpose than the Regency formed of the cabinet ministers of Queen Anne, who were not more deserving of national confidence than the present ministers of the cabinet.

The reasoning of this gentleman, from facts and their effects, to shew the wisdom of a similar commission of Regency, and the folly of appointing a sole regent (which cannot be done constitutionally by the Parliament) is so clear, so modest, and yet so manly and incontrovertible, that it is impossible for me to do justice to Themistocles: nor can greater justice be done to the nation, and to the Prince of Wales, than to refer them to his masterly and patriotic letter,



letter, which is the most moderate, and by much the best production upon the subject of Regencies; and as such should be published in every Morning and Evening Paper, and humbly submitted to both Houses of Parliament.

BRITANNIÆ AMICUS.

No. 3. TUESDAY, *Dec. 9, 1788.*

SIR,

**I**F the municipal laws are general regulations for the conduct, the properties, the offices, and duties of all the inhabitants of a free country; it follows that every member of that community, from the highest to the lowest, must be subjected to their influence, and governed by their prescriptions.

But, sovereigns of free states are members of the community; and unless some particular legal exceptions are specified, they must necessarily be included, as well as their offices, in the general prescriptions of the laws.

In cases of incapacity, or temporary suspension of mental faculties by indisposition, the properties of the inhabitants of this country are vested in commissioners

missioners to preserve the rights of actual possessors, and the claims of those who have a reversionary property.

The wisdom of our laws is most admirable in this respect, for interest cannot predominate in such cases : a mean and shameful principle too often exists in the baseness and depravity of human nature, unrestrained and unchecked by public observation ; and instances are to be found even in this country, where cunning and profligate men have availed themselves of casual infirmities, and, by stratagem or artful insinuation, have deprived others of their reputation, public estimation, and even of their liberty ; in France this is carried so far, that *lettres de cachet* are daily procured, not only for derangement of intellect, but of conduct ; and men of noble descent, who have been disposed to extravagance, and to ruin themselves and their families by play, have been immured for  
 life,

life, upon the request of their relations ; a principle, which, if it operated here, would thin the ranks of fashionable clubs and of gaming associations : the use that has been made of them in these cases, has lately been urged, as a reason against the abolition of these engines of tyranny.

If the laws of this country have made no exceptions in the case of the temporary incapacity of the rulers of the State, the general principle should operate, unless it were deemed expedient to adopt some other regulation upon the grounds of state necessity, and of the supreme law, the safety of the people.

It has never been maintained, that any particular exceptions, or legal provisions have been made for the temporary incapacity of the first magistrates of this country ; and where there is no legal right prescribed by custom, or by statute law,



law, none can exist to any exclusive trust during the possessor's life, in any reversionary claimant. It remains therefore to be considered, why the rule of an intermediate neutral commission should be set aside, upon the principle of public expedience and national convenience, and why another principle should be adopted !

I dwell upon the word *temporary*, because every accidental indisposition of body or mind must be regarded in that light: and it belongs to the Almighty, in whom alone are the issues of life and death, to know their positive duration. That men may not again resume the free exercise of faculties which have been suspended by sickness, would be as absurd an assertion, as to say, that a man should not walk any more, because his leg has been fractured. The old proverb, " while there is life, there are hopes," is short of truth ; for the Hu-  
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mane Society daily record instances of wonderful recoveries after animation itself has been suspended.

Five sole commissions of Regency have been stated in our annals. That of the Duke of York in 1454, during the life of Henry the Sixth, was the immediate cause of the fatal wars of York and Lancaster. King Richard's Regency of his nephew, Edward V. and its consequences, are well known. The Protectorship of the Duke of Somerset, in the minority of Edward the Sixth, ended in his impeachment, and capital punishment, for the many evils which his conduct had occasioned.

The Regency of the Prince of Wales in 1716, was a sole commission only in name; for, he acted conjointly with the King's ministers, as well as Queen Caroline in 1732, who was, perhaps, the most accomplished woman in Europe,

Europe, the patroness of learned men, celebrated by their gratitude, and happy in the intimate conversation of Newton.

All the commissions of Regency in our annals, these only excepted, were composed principally of the great officers of the state. The proportion between joint and sole commissions may be, with a sufficient approximation to truth, considered as *four to one*, or as *twenty to five*. The public prints have displayed these instances; the most important of which is, that commission of Regency which held the Parliament in 1714, in the reign of King George the First. From these joint commissions it has never been proved, or even asserted, that any mischief has arisen; but, on the contrary, it may truly be said, that they faithfully discharged the duties of their trusts and appointments; for these reasons, a joint, seems to be preferable to a sole

sole commission of Regency, if the wisdom and experience of ages are to be regarded; which, in this respect, accords with the general and comprehensive principles of the constitution.

For great offices and great employments the establishment of some leading and general principle of deputation or vicegerency seems to be very desirable, and the easiest and most convenient transfer of power seems to be the most eligible. In ours, and in most kingdoms in Europe, monarchs have discretionally called to their aid some of their ministers, as partners of their labours, and co-adjutors of their government. Upon these councils or cabinets, it seems natural that their power should devolve, in seasons when they may be disabled by sickness or by accidents, like other men, and prevented from attending to the execution of the duties of their offices; and thus a trust may be created



created---not a possession or a property, which may be easily assumed, responsibly executed, and readily relinquished when the convalescence of sovereigns enable them to re-assume their functions and the exercise of regal power; and many instances of such deputations occur in foreign countries.

These are general reflections upon suspensions of regal power---of the present lamented malady of our beloved Sovereign, I know little of its nature or extent---every well-intentioned man must hope and wish that its period may be short; that no provision or substitution may be necessary; but if it should, that it may be accompanied with the least possible innovation, and preserve the present happy system of government, from whence such a train of advantages has accrued to this country. I trust that the people of England are too wise to be unacquainted with their present

sent happy state at home, and their credit and estimation abroad, too judicious to be tired of prosperity, too sagacious to wish for a change of men, of measures, and of government.

Of this least possible deviation from the present system, various opinions may be formed, and one conjecture amongst the rest, namely, that of enabling those ministers whose counsels have directed the state, or, in a word, the cabinet, to carry on the government in his Majesty's name.

How or in what manner this can be effected, must be left to wise legislators, as these are parliamentary arrangements far beyond the capacities of obscure, of humble, and of ordinary men.

Some time should elapse, one would naturally imagine, before opinions could be given, or probable decisions could be pronounced,

pronounced, of the duration of accidental indisposition, before a permanent substitution should be adopted, by vesting a joint power in the Great Personage, who is the legal and rightful possessor of the crown of these realms, which might not be conveniently relinquished upon complete convalescence.

Men must be young indeed in this old world, who do not know that every misfortune of the State may be converted to the purposes of party and of faction ; but I have too high an opinion of the Great Personage in question, of his good sense, principles and integrity, to suppose (according to Lord Melcombe's expression in his incomparable letter to the late Prince of Wales at the end of his Diary) " that he would have the ill-placed ambition of becoming the instrument of a party, instead of being the respectable leader of his country,"

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and the Vicegerent of the nation, aided by the councils of popular ministers, and of a Parliament justly possessed of the confidence of the British empire.

A deputation must in its nature be ever attended with less power than a possession; a trust than a property; a use than an inheritance. Delegates for the offices of other men should act as if influenced by the intentions and past arrangements, of those whom they represent. A Regent cannot have full power during the life of a King, nor the decided rights of regular succession.

Certain wishes may have, it has been said, great influence upon Parliamentary conduct, but it would be presumptuous to suppose that independent men could act upon motives of such bad and paltry policy. Men of honour may be grateful for past favours from the great---it may have an excusable effect upon their con-

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duct, because gratitude is substituted for impartial justice, and private for public virtue; but an attention to the general welfare is the best private policy, in cases like those which are supposed to exist: it probably will, and certainly ought to recommend them to the future favour of Princes. A conduct of a different complexion would be idle and absurd in independent men---it would resemble a scheme of selling a part of their property, to buy tickets in a lottery, where there are fifty blanks to a prize---it would be superseding certainty by chance and by caprice. What the wishes of Princes are, generally speaking, is most uncertain, and dimly seen through mists of prejudice. Time-serving men may in such cases pay court to their own misconceptions, and, like the Persian in the fable, they may mistake and worship a cloud for the sun.

The argument, that the measure alluded to would be creating ministers by act of Parliament, is just as broad as it is long. If administration should be composed of men of profligate characters, and of desperate fortunes, it would be a national calamity---if of men of probity and of honour, as I believe the present to be in the conduct of public affairs, it would be a great national blessing to this country.

A formidable responsibility would result from such a measure---but formidable only to ministers. Public credit and public safety would be guarded by Parliamentary observance, public opinion, and popular criticism; by the approbation and affirmance, or by the abrogation, censure, impeachment, and punishment of future Parliaments.

These are delicate subjects, difficult to be treated with propriety---It is time to

put a period to these reflections, and I take my leave of them, with apologies for transgressions, arising from rectitude of intention.

Discretion forbids anticipated remarks upon subjects principally cognizable by great assemblies; and yet the thoughts of humble men, disseminated and diffused through the medium of the public prints, have produced the most beneficial consequences: of this remark, the origin of a pious institution, \* from the printer of a country paper, which will have a most benign and extended influence upon the morals and information of the lower classes of the rising generation, is a most ample proof and decisive illustration.

Of the attention shewn to my speculations in this paper, and of their reception by an indulgent public, I am

\* Mr. Raikes, of Gloucester.

duly

duly sensible : but I should not deserve it, if I had imposed upon them by any assertions which I cannot readily prove, or made them without an inviolable regard to truth. I trust I have not treated these subjects dogmatically, but with due respect and humility ; and with this hope I shall beg leave to offer this humble valedictory tribute at the sacred shrine of public welfare.

**THEMISTOCLES.**



No. 4. TUESDAY, Dec. 16, 1788.

SIR,

**W**HEN propositions for public measures are properly explained and clearly understood, technical phrases and short terms serve to forward and facilitate political knowledge, and are attended with the greatest convenience; but when they are adopted without clear definitions, and as brief descriptions of subjects, which are intended to be explained in future, they become the foundations of arguments about words, they embarrass our understandings, and lead to endless disputes and fruitless dissensions.

This reflection has occurred to me from the words "sole" and "joint Regency," the definitions of which are not admitted, nor generally understood; for  
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this reason, I shall omit them entirely in the following remarks, as terms to which positive and precise ideas have not hitherto been annexed.

The reign of Edward the Sixth, who died in the seventh year of his minority, forms a principal æra in the history of our Regencies. The testament of Henry the Eighth, corroborated by the powers of an act of Parliament, vested the government of the kingdom and the guardianship of that Prince in sixteen executors. Their first act was a departure from his destination, by the choice of the Earl of Hertford to be Protector, possessing the symbols of regal power, but to be guided in the exercise of his authority by the opinion and councils of the executors.

In their next measure they shewed more deference to his will, by putting in execution a clause of his testament,

in which he had enjoined them to make a creation of nobility, to replace such titles as had been recently extinct ; but in order to prove his design, Sir Anthony Denny, and two other intimates of the late King, were called before the Board of Regency, and upon their evidence of the King's intentions and promises, Lord Hertford was made Duke of Somerset, and seven persons were advanced or admitted into the peerage.

From this last circumstance it is evident that they did not think a Regency could create peers, as they acted in this case solely under a posthumous power from King Henry the Eighth ; and it is conceived, that neither in that nor in any subsequent period have Regencies ever been invested with such a power, no more than with that of displacing the great officers of State, nor of dissolving Parliaments.

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The power which the Duke of Somerset derived from a patent, obtained from a minor King, of displacing some of the Lords of the Regency, and executors of Henry the Eighth's will, the subsequent contests between him, and his successor the Duke of Northumberland, the fatal conclusion of his Regency may be considered as an historical chart of a sea of troubles: from that period, no more than from the wars of York and Lancaster, can any legal precedents or examples be derived; deviations from principles of justice, infringements of the intentions and directions of a Prince, founded upon acts of Parliament, furnish many historical anecdotes, but no rules of conduct; and this leads me to contemplate a later period, in which the rights of the first magistrates in this country, whether permanent or occasional, have been defined -- the exercise of their powers have been ascertained by the usage of constitutional



tutional periods, by custom, or common law, by written regulations, or by acts of Parliament.

Happy is it for this country, that a wise legislature has applied in a difficult emergency to the wisest of counsellors, to time, to prescription, and to the experience of ages: in whose hands the Regency ought principally to be placed, if it be necessary, it is not difficult to determine; but the powers with which such an officer should be invested, must depend upon the rights of those occasional magistrates, as they have been exercised since the Revolution, and described by various acts of Regency.

These powers will shortly be displayed by the researches of great assemblies--all that is now left to private men is to treat these subjects hypothetically,—to reason, upon suppositions, since not only mine, but the information of the  
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most intelligent, must ere long be superseded by that of the highest authority.

If it be true, then, that the powers of ennobling, of dismissing cabinets, or Parliaments, have never been justly claimed or exercised by any substitutes for regal authority, it may be asked why such powers should be conferred at the present period? or if they formerly enjoyed such powers since the Revolution, or even in the minority of Edward the Sixth, it may fairly be contended, that these temporary representatives of royalty ought to be invested with the privileges of their predecessors. Less power cannot be offered, less cannot be accepted---more ought not to be conferred, honourably desired, fairly and reasonably expected.

Contentions for power, political manoeuvres to convert the distress and ne-

cessity of the State into an engine of party, may render the description of such powers, by act of Parliament, still more necessary; nor can such a measure be degrading or exceptionable; the limitations of regal power are to be traced in every settled period of our invaluable constitution; the declarations of rights, and the act of settlement, are only abridgments and short transcripts of those popular privileges, which are to be traced in the legal annals of Great Britain.

I have observed, Sir, some remarks upon the present suspension, and upon the necessity of investing a temporary power in the great officers of State, to fulfil the necessary functions of royalty. I cannot help thinking that some permanent principle of deputation, or vicegerency, seems to be very desirable, to guard against emergencies like the present. Curiosity has led me, with  
many

many others, to inquire whether such a permanent provision had existed in any period of our history; my inquiries have not been altogether fruitless, since I have met with something like it under an heroic Prince, and at a most brilliant æra.

It was in the reign of Henry the Fifth: his continued absence in the pursuit or possession of a great inheritance, induced him, in the beginning of his reign, to appoint a regal deputy in England. In the progress of it, I do not find that this commission was suspended, or renewed, but the Duke of Bedford, his brother, who was invested with it, held a Parliament under the title of Lord Warden of England, in October 1419, during his absence in France.

From this circumstance, I am induced to think, that that wise Prince  
had



Had adopted this judicious permanent precaution, and that domestic policy, and a sagacious attention to the welfare of the State, were not overlooked in the brilliant career of his victories.

### THEMISTOCLES.

No. 5. MONDAY, Dec. 22, 1788.

SIR,

THE defeat which has lately been given to doctrines which have been formerly reprobated by a *Sydney*, a *Locke*, a *Maynard*, and a *Somers*, must give sincere and heartfelt satisfaction to every well-wisher to this country: it must be the just pride of the minister, whenever his office shall be deprived of him, and his country of his services, to tell the people that he had relieved the country from distress; rescued the constitution; and left it triumphant and unimpaired.

Of an assembly, from whence great benefits have been derived, a grateful people must wish a continuance; that duration which is prescribed by the septennial law, a law which can be superseded

perfected only by regal prerogatives that are now suspended,---nor can there be a colour of reason to give such prerogatives to the temporary substitutes for royalty, as may abridge its legal existence; one Parliament may abrogate the determinations of another; their generous conduct to their country would be incomplete, if they should not insure their own existence, and become the trustees, guardians, and executors of their own donations.

Opinions given one day, and retracted the next, or masqued by metaphysical subtlety, plausible jargon, and distinctions without differences, scarcely deserve a comment; uniform principles of reasoning and of conduct, form a great public character, and those who abandon them may have a powerful instinct to say, or to do, whatever may answer their own purposes; but they can

can have no claim to decided character, or to public estimation.

I have no intention, Sir, to follow the brightest example, and with your former incomparable correspondent, to enter into legal discussions with great legal characters: it were to be wished that *Junius* in his last letters, had not controverted the decisions of a Venerable Earl, and his conduct in taking bail from a man of fortune, who had stolen paper from a public office---but authorities quoted from elementary treatises, which I have early known and attended, as academical instructions, may fairly come under the observations of ordinary men.

Of the great leader of the opposition, *Ch. Fox*.  
I am no admirer, neither of his eloquence, his conduct, or information:--- Truth never induced me to form advantageous opinions of him, when he was:



was in opposition, nor interest, when he was in power : but of a noble and learned Lord,\* from whom some late doctrines are said to have originated, I profess myself to have a high estimation; as an orator, I am always delighted with his action, manner, enunciation, and delivery---the brilliancy of his phrases, the purity of his language---the depth of his knowledge, the clearness of his deduction, and the cogency of his arguments.

I have never listened to vulgar prejudices against that part of the Island, to which the noble Lord belongs---I have due regard and esteem for that informed, laborious, indefatigable people, who have been so instrumental to enlighten the various walks of science, in the days in which I have lived---these doctrines are countenanced only by the authority of the noble Lord, and by his legal citations.

\* Lord Loughborough.

All,

All, Sir, that I can now recollect of Lord Coke is his motto,---

*"Miseræ est servitus, ubi jus vagum aut incognitum"*

---Miserable and enslaved is that country, where the law is uncertain and unknown. But in Judge Blackstone's Commentaries, it may fairly be asked where such a principle exists, as that of a metaphysical unity of a King and of his successor?---and where it can be traced, that a successor to the throne, can spontaneously assume the reins of Government, upon the indisposition of his father.

Under the title of Prince of Wales\* the learned Commentator says, that he is usually so created, and Earl of Chester; that from his primogeniture he is Duke of Cornwall, and guarded like the King by the statute of treasons.

\* Blackstone's Quarto Edition, p. 225.

Does this doctrine come under that title? If such a right flows from custom or common law, does not Blackstone, in his short note or compendium of Regencies \* say that a Regent is an officer unknown to the common law? How then can any person be said to have a legal right to an office which has now no legal existence? The pages referred to will best prove, that they are in no wise analogous to such doctrines.

The methods of appointing a regent or guardian have “ been so various,  
 “ and the duration of his power so un-  
 “ certain, that from thence alone it  
 “ may be collected, that his office is  
 “ unknown to the common law, and  
 “ therefore, as Sir Edward Coke says,  
 “ 4 Inst. 50. the surest way is to have  
 “ him made by the authority of the  
 “ great council of the nation.” These

\* Blackstone's Quarto Edition, p. 248.

are the words of Blackstone, and is it now contended, that this office should have an unconstitutional birth, a spontaneous origin, and a self-created existence? These remarks relate only to a Regent. As to the idea of vesting the plenitude of regal power in the hands of a reverfionary claimant, it is conceived the only example of that fort in our annals are the proceedings againft King Edward the Second.

In the creation of this officer, and of his powers by act of Parliament, it is to be lamented, that the doctrine which was fo effectually combated in 1784, that of imposing minifters upon the crown by a cabal in Parliament, and the confistency of thofe who exerted themfelves upon that occafion, fhould in 1788, operate againft the wifhes of the people, and againft their continuance in power, by virtue of an act of Parliament.

But,



But, convenience, public welfare, and sound policy, strongly recommend their continuance: and though the laws of the land may be silent upon that head, the laws of honour and of trustees and delegates for monarchs, advise attention to their designations, and deference to their appointments.

Whenever the present minister shall retire from power, it may once more be truly said, that the brightest jewel has fallen from the British crown---public opinion and public gratitude shall attend him---nor will the people of England forget, that although the man before whom the world was silent is no more; that his genius survives---his capacity, public spirit and patriotism exist; in the person of his son and of his successor.

THEMISTOCLES.

No. 6. WEDNESDAY, Dec. 31, 1788.

SIR,

**T**HOUGH many very able pamphlets and considerations have appeared upon Regencies, the following short abstract contains more examples than is comprised in any of them. A few necessary additions have been made to Judge Blackstone's short note upon this subject, and I believe there is no Regency in our history that is omitted in this brief account. As such it is entirely at your service, and possibly it may be satisfactory to exhibit this subject in one point of view in a paper distinguished for its impartiality, and faithful representation of truth. These remarks of Judge Blackstone's were alluded to in my last letter, and have not as yet been published.

THEMISTOCLES.

*An*

*An Account of ALL THE REGENCIES  
which have taken place in ENGLAND  
from the earliest Periods, extracted prin-  
cipally from Judge BLACKSTONE'S Com-  
mentaries, Vol. I. page 248, 249.*

Most of them are comprehended in this short note, and it demands some apology to the public for interpolating some additional sentences in the following compendium of the great and illustrious legal benefactor of his country, and in a work of which it may with truth be said;

*Indocti discent, & ament meminisse periti.*

The methods of appointing this Regent or Guardian have been so various, and the duration of his power so uncertain, that from thence alone it may be collected that his office is unknown to the common law; and therefore Sir Edward Coke, 4th Inst. 58, says, the surest way is to have him made by the  
authority

authority of the great council in Parliament. (The first Regency which occurs in our annals, is that of the Bishops of Durham and of Ely, appointed justiciaries and guardians of the realm by King Richard the First, in 1190, during his absence in the Holy Land.) The Earl of Pembroke, by his own authority, assumed in very troublesome times the Regency of Henry the Third, who was then only nine years old, but was declared of full age by the Pope at seventeen, confirmed the great charter at eighteen, and took upon him the administration of the Government at twenty; (and here it is to be remarked, that the Earl of Pembroke died in 1219, and during the remainder of the minority, he was succeeded as Regent by the Bishop of Winchester, appointed by the authority of Parliament.)

A guardian and council of Regency were created for Edward the Third, by

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the Parliament which deposed his father; the young King being then fifteen, and not assuming the Government till three years afterwards.

When Richard the Second succeeded, at the age of eleven, the Duke of Lancaster took upon him the management of the kingdom till the Parliament met, which appointed a nominal council to assist him. (During the reign of the fifth Henry, his brother, the Duke of Bedford, was appointed Regent, upon his expedition to France. In the history of the life of that great monarch, by Godwin, it appears that this appointment was permanent, and lasted during his whole reign, without any fresh appointment: a Parliament was held, and opened by the Chancellor, in 1419, before him, during the King's absence, under the title of Lord Warden of England.) Henry the Fifth, on his death bed, named a Regent and Guardian for his

his infant son, Henry the Sixth, then nine months old ; but the Parliament altered his disposition, and appointed a protector and council, with special limited authority. Both these Princes (Richard the Second and Henry the Sixth) remained in a state of pupillage till the age of twenty-three. (In the year 1453, upon the mental indisposition of this last King, the Duke of York was named protector, first by the privy council, and then by Parliament, which he held for one year, till the King's recovery;---the next year the wars of York and Lancaster broke out, and the King being made prisoner at the battle of St. Alban's, was compelled to assent to an act of Parliament, by which he was again nominated to be protector.)

Edward the Fifth, at the age of thirteen, was recommended by his father to the care of the Duke of Gloucester,

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(King

(King Richard the Third) who was declared protector by the privy council.

(During the reign of Henry the Eighth there were two commissions of Regency from the King to his first Queen, during his expeditions against Scotland and France; according to Hume.)

The statutes of the 25th of Henry the Eighth, c. 12, and the 28th of Henry the Eighth, c. 7, provided that the successor if a male under eighteen, or if a female under sixteen, should be till such age in the governance of his or her natural mother, if approved by the King, and such other counsellors as his Majesty should appoint by will, or otherwise---and he accordingly appointed his sixteen executors to have the government of his son, Edward the Sixth, and of the kingdom---which executors elected the Earl of Hertford protector, (who was succeeded

succeeded by the Duke of Northumberland---nominated by the aforesaid executors.)

(In the reign of King William, Queen Mary was appointed Regent of the kingdom, during his absence in Ireland, by act of Parliament; which is more extraordinary, as King William and Queen Mary were named and appointed \* joint sovereigns at the Revolution; the other commissions of Regency during the reign of that Prince were to lords justices, and composed of the great officers of State.)

(By the 6th of Queen Anne a commission of Regency was formed, of seven great officers of State, to act with any number of commissioners to be nominated by an instrument from the

\* It appears from Grey's debates, 30th of April, 1690, that this Regency caused long debates, and many difficulties. V. 10. p. 99.



Electors of Hanover, to his residence at the British court: this is the most important Regency in our annals, because they supplied the place of regal power for two months after the death of the Queen, and before the arrival of King George the First, held a Parliament, passed two bills, prorogued it, when the King was absent in 1714, and executed the important trust of transferring the crown to the Brunswick family. Of this Regency a curious account is given in Tindal.)

(The late King, when Prince of Wales, in 1716, was nominated guardian of the realm by a commission under the great seal. The commission of Regency in 1718, was composed of the great officers of State, as well as those of the rest in the reign of George the First, and particularly that at his demise in 1727.)

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(The late Queen Caroline was Regent in 1731-2, and also when the celebrated affair of Captain Porteous happened in 1736. The rest of the commissions of Regency during the late reign were composed of the great officers of State: and the late Prince of Wales never was invested with that power, though of full age.)

The statute 24 G. II. c. 24. in case the crown should descend to any of the children of Frederick late Prince of Wales, under the age of eighteen, appoints the Princess Dowager;---and that of 5 G. III. c. 27, in case of a like descent to any of his present Majesty's children, empowers the King to name either the Queen, the Princess Dowager, or any descendant of George the Second residing in this kingdom, to be guardian and regent, till the successor shall attain such age, assisted by a council of Regency; the powers of them all being

expressly set down and defined by the several acts of Parliament.

Upon this plain state of facts, a discerning public will make their own comments; Regents have rarely been made by Kings, or by councils, but almost universally by Parliament; and their powers have been set down and defined, (to use Judge Blackstone's words) by the various acts of Regency: this power has never been assumed as a claim of right, or from alliance and succession to the crown; the first subject has no more right to this office, than any other subjects, who have been, or may be appointed, by the authority of Parliament.

Precedence and courtesy place the heir to the crown in the most prominent situation, and give him the second place in public contemplation; but pretensions of acknowledged precedence can  
never

never be construed into claims of right, by logical inference, or legitimate argument. Let the power of a Regent be vested where it may, it cannot legally affect reversionary rights, which can only accrue upon the demise of the Crown. These rights are out of the question at present; two subjects, and two only, can occupy the debates of a wise and popular assembly; namely, an attention to the rights of an existing monarch, to whom they have sworn allegiance, with the rest of their fellow subjects, and the preservation of his prerogatives; as far as is consistent with the pre-eminent and supreme law, the welfare of the state, and the safety of the people. \*

\* It is very remarkable, that in the Index to Blackstone, there is no such title as Regent, nor is it perhaps an article in any of our law books; and this extract is only to be considered as an historical note and illustration of that great commentator.

Hence the absurdity of that doctrine, or rather crotchet, which created so much debate on the



Regency, in December 1788, of a claim of right; since a claim cannot be made to an office that has no existence;—but the office of Regent was then only in the contemplation of Parliament, it had then no existence; therefore the claim was an absurdity, in fact, and in description.

Eight cases are cited by Sir William Blackstone in this note; and twelve commissions by the Author, viz.

- 1st. In 1190—of the Bishops of Durham and of Ely, during the absence of Richard the First.
- 2d. In 1219—of the Bishop of Winchester.
- 3d. In 1419—of John Duke of Bedford.
- 4th. In 1453—of the Duke of York.
- 6th. ——— of Henry the Eighth two Commissions to his first Queen.
- 7th. In 1690—of Queen Mary.
- 8th. In 1708—of the seven Cabinet Ministers.
- 9th. In 1716—of the Prince of Wales.
- 10th. In 1718—of the Cabinet.
- 12th. ——— of the late Queen Caroline, in 1731-2 and 1736 (all which cases are comprised in a parenthesis.)

In early periods, the King's official permanent Vice-gerent, or the occasional Regent, was the grand Justiciary, according to Spelman and Dugdale.

This office ceased in the reign of Henry the Third, when its functions were divided among other

other great State officers, who now form the cabinet.

This circumstance was not known to the Author when this Essay was written; nor was it mentioned till the 19th of February, 1789, in debate; therefore a Speech made upon the grand question of that day, is added in the Appendix.

The legal analogy to be fairly deduced from this official combination of power in the great justiciary, was an ample justification for the Author to form an opinion, that the Regency should be vested in the great officers of State; and, therefore, the Speech has been re-published.

Though it has been accompanied with the painful reflection, that the Author delivered it at the hazard of his life, from a hurt he received by an overturn in his way to Ireland; from which it was not thought likely he should ever recover.

No. 7. WEDNESDAY, Jan. 7, 1789.

SIR,

**D**URING the present suspension of parliamentary debates, reflections upon the great question under public contemplation may not be unacceptation-able: the subject is most extensive; nor will it easily be exhausted.

The act of the thirteenth of Charles the Second, by which it was declared that the two Houses could not make laws without the King, was made to prevent a renewal of those parliamentary ordinances which took place during the reigns of the first and second Charles, while those monarchs existed, and were capable of acting. It is very extraordinary that it should be cited as applicable to the present case: it makes no provision for the case of a vacancy of  
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the throne by an abdication, or for that of the personal incapacity of the sovereign by indisposition---It does not extend to a possible case, stated by Judge Blackstone, namely, that of the extinction of the royal family of the sovereign upon the throne; for in such a case, he says, the two Houses must act without the third estate. In this light it was considered in 1688, or it would have been an effectual bar to the Revolution.

To the objection which has been made by a noble Lord,\* in his first public exertion against passing a bill by a commission under the great seal, and to the inference drawn from the act of the thirty-third of Henry the Eighth, I am disposed to shew a due respect and attention. The remark does great honour to his discernment, and forms a very material part of the reasons of the dissentient Peers. Upon this I shall

to your Grace \* Lord Kinnoul.

offer



offer the following remarks, as history affords that illustration, which may be read by the gay and by the serious, by your fair as well as by your learned readers :

Roman story presents to our view the singular spectacle of a father above the feelings of humanity, with a savage virtue, and almost incredible patriotism, passing sentence of death upon his own son. The proceedings of our own Parliament might have presented a similar example, with motives of a very different complexion, had it been necessary for our monarchs to give the royal assent to all acts of Parliament; but our predecessors saved the feelings and the disgrace of their sovereign, in passing an act of attainder against his royal consort, and with proper delicacy and humanity declared it was sufficient that he should pass it by a commission, authenticated by his own signature.

The

The clause alluded to, Sir, is a part of a *temporary* act of Parliament for the attainder of Queen Catharine Howard. It seems to have a retrospect to some doubts that had arisen relative to the validity of a commission, unless it was signed by the King's own hand, and possibly it was necessary to satisfy the nation at that time, by a most authentic act, that a Prince could perform such a scene of domestic severity.

That it did not extend to all commissions, appears from almost cotemporary practice, the best comment upon the true extent of acts of Parliament: for, in the subsequent year, history tells us, that King Henry the Eighth labouring under peevishness and indisposition, delegated powers by letters patent to commissioners, to sign his name for him: and three instances of this are to be found in 1545, in that valuable collection

tion of our records, in the 15th vol. of Rymer's Foedera.

*Included* How it was possible to agree to a resolution requesting a great personage to assume that Government, which was actually vested in a reigning and existing sovereign; how he could have acted without previous powers from Parliament; how he could have a right to an occasional office, which is to be traced in our history, but which forms no title in our law, and is therefore considered by Blackstone only in a short note; how a right could attach upon a non-entity, upon a trust which as yet had no legal existence; how all this could be effected, without a deposition of that sovereign to whom we have sworn allegiance, are matters which must excite wonder and astonishment, and are almost incomprehensible to common sense.

The

The throne was declared to be vacant in 1688, before an executive power was created, and before the Prince of Orange was addressed to assume the regal functions; but no such declaration was, nor could have been made, in the present case, nor was there a vacancy to be supplied, consequently the case of the Revolution bears no analogy to the present emergency.

Had not a national calamity been capable of being converted to the purposes of party, these questions never would have started: and it is to be lamented that it should have the effect of depriving this country of ministers in whom popular opinion and just confidence repose, and that the interests of the people should be dragged at the chariot wheels of men whose equipages roll upon the four aces.

That



That there are many respectable men in the ranks of opposition I shall readily admit, but our theatres afford pleasing, if not grave lessons of morality, and the Journey to London has represented worthy country gentlemen under improper influence, in a very unpleasing and humiliating light.

Happy is it for this country, that an accidental pause has been afforded, upon the present question; many reflections will occur to prudent and thinking men, during this period of suspense: the consideration of the removal of a royal deputy in Ireland, commissioned by his Majesty with regal powers, recognized by common and by statute law in that country, the repeal of those laws, by powers which they cannot acknowledge, are amongst the number of those evils which may be apprehended from ministerial revolutions, and the tranquillity of these countries may be endangered

endangered by questions, which it would be imprudence to anticipate, but which wisdom and prudence should prevent, as pregnant with mischiefs and contentions, which may endanger the association of these islands.

The people of England daily testify their approbation of the minister's conduct, and indicate their regret that the tide of their prosperity may be checked by his removal: never were opinions better founded, nor their testimony better bestowed; such a rare felicity, such a happy combination of talents and of integrity, have seldom been allotted to any man, or have blessed the administration of any country;---his faults, if he has had any heretofore, in public opinion, are the grievances entailed upon the people by the misconduct of his predecessors, and by the American crusade. An heir to an exhausted inheritance cannot be justly blamed for the

the misconduct of his ancestors : though his prudence must be admired, who can extricate it from the burthens of antecedent prodigality.

I have avoided in these letters, Sir, general addressees ; but in the course of your daily publications, I have read, with the greatest satisfaction, a letter on Tuesday last, under the signature of A WHIG, addressed to the *People of England*, which admirably displays the conduct, the avowed principles, and the inconsistency of a party which has repeatedly forfeited public esteem and general confidence ; the subject under contemplation may admit somewhat of a higher strain ; and to them, to the people at large, these conclusive words are earnestly and emphatically addressed.

Truth forbids indiscriminate compliments ; but at this crisis, and upon the present

sent great question you are an informed, and a most enlightened people: the wisdom of ages has been your conductor; antiquity has displayed her records, and history her illustrations; knowledge has been amplified by judicious comments, where it was scanty; epitomized and abridged, where it was diffuse and extensive; in the higher circles, the abstruse record has been decyphered, the mouldering character has been illuminated by the blaze of eloquence; and, in the humbler walks of life, writers, like myself, have borrowed time from repose, and have worn out the midnight hours, in voluminous researches for your benefit, and for your information. The merits of this great question are now fully before you: and is there a colour, or a ray of plausibility in the doctrines of opposition, or in claims of right to the Regency? in whose hands should the discretion of this country wish to deposit and entrust the



the powers of royalty, but in those, who may carry on the Government in the present approved channel, and with the present administration? But is there, is there not a fatal tendency to check the tide, by displacing the authors of your prosperity, and should not that intention be obviated? Why should more powers be given now, than those which have been possessed by other Regents since the Revolution; and have not all those substitutes for royalty been obliged to act with the ministers of their sovereign?

Reflect upon this, and know that the remedy is in yourselves; you have a right to address upon any regulations in Church and State; nor have the constituents lost the power, of offering respectful advice to their representatives.

Your interference, probably, will not be fruitless, nor, at all events, without

its rewards: religion, shall approve your fidelity to your allegiance; policy, your prudence and foresight: thus shall you find a recompence in your own reflections; so shall you be enabled, if your applications should be successful, to close the triumphal procession of the constitution; and the historic page shall transmit a faithful testimony of your collective patriotism, to an applauding posterity.

### THEMISTOCLES.

No. 3. MONDAY, Dec. 14, 1789.

SIR,

THE Revolution in the *Low Countries*, and their present alienation from the *House of Austria*, will add another extraordinary event, to a period pregnant with political wonders. The advantage which they have over France, in a similar contest, is most decisive; for, they have a constitution already secured to them, by the grant and confirmation of their sovereigns; to preserve, not to acquire political liberty, will be their lot, and the complete re-establishment of their great charter; will render them as free as any nation in the world.

All the districts, of which the Austrian Netherlands are composed, have the general

neral advantage of being governed in essentials by their States, (in whom is vested the power of levying taxes) of being tried in their own country, and by their own established judges. These privileges are confirmed by the oath of the sovereign, in general terms, at his coronation ; but in the provinces of Brabant and Limbourg, the oath of the sovereign expresses, recites, and confirms their privileges in detail.

The charter of Philip the Good, which was granted when he made his entrance into Brussels, in 1415, and which is called from thence the *joyous entry*, contains fifty-nine articles ; and as you have often given place to my speculations upon domestic politics, when they wore a more gloomy aspect, I shall trouble you with an abstract of those privileges, and an abridgment of that famous charter ; at a period when we may look from the happy and tranquil  
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elevation of our own prosperity, upon the convulsed situations of our continental neighbours.

By the first twelve articles of the *joyous entry*, as it was sworn to by the Duke Charles of Lorraine, in the name of the late Empress Queen, in April 1744, before the States of Brabant; the sovereign promises to govern them with mildness by the established laws, and with the aid of the ordinary and accustomed magistrates; secures them from foreign and passal jurisdiction; from the encroachments of ecclesiastics, purchasing lands in mortmain, without Royal license; engages not to make war without consent of the States; to keep the great seal for all public acts of Brabant and its appurtenances only at Brussels; to form a council of seventeen, whereof fourteen, and the chancellor, are to be natives, and to be possessed of baronies in fee in the country,  
and

and only two are to be foreigners—not only the chancellor, but the secretaries of State, and some other principal officers, and all those who shall administer justice, and also collectors of the revenue, and the burgomasters in the towns, are to be Brabantons; and all these officers are to be sworn to observe the stipulations of this charter.

The countries of Limbourg, of Ontré Meuse, the city of Antwerp and its environs, of Nivelles, and of Heusden, and such countries as shall be conquered by the arms of Brabant, shall be united to it, and enjoy the same privileges. The rights of a free chase are established in these countries, and no exclusive game laws are to prevail, except in five districts or forests, which are expressly named; and the sovereign engages not to coin money, or to alter the established currency, without the consent of the States, by the eighteen subsequent articles.

The sovereign farther engages not to pardon murder, without a satisfaction having been made to the friends of the deceased ;—to forbid all appeals of the natives to foreign courts for justice, under severe penalties, at the discretion of the council of Brabant ; and no man, whether a native or a foreigner, is to be arrested, and carried as a prisoner out of the country. These privileges are accorded by the next fifteen articles.

Of this privilege of asylum the Brabantons appeared to be so jealous, that when Parliament had addressed King George the First, to have Knight, the cashier of the South Sea Company, arrested at Brussels, the Emperor Charles the Sixth answered the letter from his Majesty in his own hand, “ that he could “ not comply with his request, alledging “ the privilege of asylum, which had “ been conceded to his subjects of Brabant by the *joyous entry*.”

By

By the remaining articles, ecclesiastical benefices and dignities are forbidden to be given in commendam, and pluralities are abolished. Farmers and receivers of the revenues, and officers of the mint, are prohibited from being judges or magistrates in any towns. Regulations are prescribed for assembling the States. Fourteen days notice are to be given before the period of their intended convocation;—they are to be held in the capital, where the members may go and return in safety; and it is expressly stipulated that they should have freedom of speech, and deliver their opinions freely without incurring Royal disgrace or indignation.

Lastly, by the fifty-ninth article, the sovereign declares, that in case he should infringe any of these privileges, in the whole, or in part; he consents that the subjects shall be freed from their allegi-



ance, until such time, as he should make the most ample reparation.

This, Sir, is the sum and substance of this celebrated charter, and I believe that no material article is omitted; it may not be unacceptable perhaps to your numerous and discerning readers, and the more so, as the original is in Flemish, and consequently but little known, and as a celebrated historian of the Austrian Netherlands speaks of the style being extremely difficult from its antiquity, though he has laboured, it appears, with much success to free it from many obscurities, and to render it more intelligible by his comments and elucidations.

The people of the Austrian Netherlands stand upon the advantageous ground of a constitution already formed, and in a strain, and with a reach of legislation,

legislation, far beyond what could be supposed to have been the production of such remote ages, while their Gallic neighbours are endeavouring to find a substitute for that fabric which they have hastily demolished, and have only changed the caprice of one despot, for the tyranny of the multitude.

The privileges of the *joyous entry* are now offered to be ratified and confirmed by the Emperor; as Englishmen, and as lovers of freedom, we must wish them success in their virtuous struggles for the re-establishment of the blessings of political liberty; nor can those who have experienced the advantages of our invaluable constitution, avoid sympathising with those, who contend for the rights of humanity, with reason and with justice; and it is to be hoped that few will be found who adopt the selfish maxim of the Roman

orator, that other nations could bear slavery, but that liberty was the exclusive property of their empire.

**THEMISTOCLES.**

No. 9. WEDNESDAY, *Jan.* 13, 1790.

SIR,

**H**AVING lately observed in your useful and informing paper, a curious anecdote of Lord Somers; I shall trouble you with some speculations upon the opinions of that truly great man; respecting the improvement and extension of the trade of Ireland.

The jealousy which pervaded the writings of Davenant, and the idea of being underfold by Ireland in foreign markets, which affected the commercial world in England at the Revolution; induced the Lords and Commons to address King William, in 1698, to interfere with the Irish Parliament, to acquiesce in the prohibiting of the export of the woollen manufacture of that country, upon a stipulation of every

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possible,



possible encouragement being given to the manufactures of hemp and flax, or, in one word, to the linen manufacture. Of this agreement, only the latter part has been carried into effect; since that valuable branch of the linen trade, namely, that of sail cloth, has been always discouraged by the English legislature.

Under the sanction of this agreement, the Irish Parliament applied for a permission to transport their linens directly to the English plantations in America. This liberty was granted to them in 1703-4; though this permission has had little effect, since the bounty which has been given to the English importer, has induced a circuitous transport of Irish linens through England to America; but in the report drawn up by Lord Somers,\* in the Journals of the House of Lords upon this

\* Lords Journals, v. 17. p. 485.

subject,

subject, he carried the extension of that trade still farther, and recommended an encouragement to the hempen manufacture in Ireland, by a preference to be given to the cordage, sail cloth, and naval stores of Ireland, over those of other foreign nations, by which great sums which were expended in the Baltic for these articles, might be saved to these countries.

Of the great expense of these articles some ideas may be formed from the statement of one of the best-informed commercial writers, that the annual balance of trade with Russia alone for naval stores against this country, amounted to eight hundred and twenty thousand pounds ; \* and that a great part, if not the whole, of this formidable balance might have been saved to these countries, had Lord Somers' scheme taken place ; but unfortunately a different system has prevailed.

\* Chalmers.

When the Irish Parliament had granted a temporary bounty upon the export of fail cloth, duties of two pence and one penny per yard were imposed by Parliament, in 1750, upon their importation into this country, to counteract the Irish bounty. This discouragement had the effect of a prohibition, and checked the growth of the hempen manufacture of Ireland in its infancy.

This was unquestionably a manifest infraction of the agreement between the two countries in 1698—"relinquish the woollen, and you shall have every encouragement for the linen manufacture," were in a word the stipulations entered into with Ireland. I say, the act in 1750, was a decisive infraction of that agreement, though it might be straining the argument too far to contend that this country was bound to give a partial encouragement to any branch of the Irish trade at present, since Ireland has obtained

obtained a free trade in 1780, and an unchecked export for all her manufactures.

But though the question of justice is no more, that of policy and expedience still remains ; it will assuredly be the interest of the Irish Parliament to revive the bounty upon the export of the hempen manufacture, and it is conceived that it would not be expedient for this country to check its progress any longer, by counteracting duties on its importation into England---for, while a common fund of wealth circulates through both kingdoms, the improvement of Ireland must tend to the advantage of this country, and her commercial prosperity must operate to promote the strength, the opulence, and aggrandizement of the British empire.

THEMISTOCLES.

No. 10.



No. 10. FRIDAY, *Aug.* 12, 1790.

\* \* This Letter was inserted in the Public Advertiser, Thursday, August 12 : copied into the Diary the subsequent day, and into several papers in England and Ireland—and addressed to the Right Hon. William Pitt.

SIR,

IT is not surprising that the great question relative to the chartered rights of the city of Dublin, should have engrossed so much of the public attention, and interested the most leading and patriotic characters : but before I touch upon the present short point of law, to which that question is now narrowed, permit me to preface my observations with some remarks upon the general conduct and the prejudices which

which have generated some fatal mistakes in the administration of that country.

Hard indeed is the task, exceedingly difficult to counteract opinions, which, when once adopted, men in this country too often make a point of honour of supporting and maintaining; the same fashion which gives the law to dress, is exerted too often to elevate, or to depress individuals without reason; national prejudices are hastily adopted—strenuously and religiously maintained.

The manners of people of rank seem to be nearly the same in all civilized countries; the greatest number of spoiled children are generally to be found in the most opulent nations; these are but a small part; the middling and lower classes constitute the bulk of the community; to them I shall apply my observations. I could never discover any  
material

material difference between the people in these islands, colonized over and over again as Ireland has been from this country, with similar climates, and in neighbouring latitudes; why should any material difference exist? Why should we suppose that there is a greater disposition to licentiousness in the one than the other? Nor can I find any reason for this supposed turbulence and factious spirit, save only that which proceeds from a want of the same attention to the sobriety and morals of the lower classes, which prevails in this country.

The proclamation which is read at the opening of every commission of assize, which is not a mere declaration, but which has been lately carried into effect by the exertions of magistrates, by the recommendations of ministers, and by an association where a noble Duke,

Duke, lately deceased,\* presided, in suppressing and correcting the number of tippling-houses; reflects the most brilliant and the most honourable lustre upon his majesty's reign, and upon the conduct of his ministers. The elogium of that system in this country, is a condemnation of the conduct of Government in Ireland, where the immorality of the lower classes is made a source of revenue, where all the irregularities and mischiefs recorded by the pencil of the inimitable Hogarth, in 1735, still prevail, and where, in the capital at least, it has been proved that every eighth house is licensed to sell spirituous liquors. This licentiousness, which proceeds from the fault of Government, is, indeed, transcendent in that country, and forms the principal difference between the people of these kingdoms.

\* The Duke of Montague.

That



That idea which has too long predominated in this country, of a turbulent spirit in Ireland, has been artfully propagated by designing men, to exaggerate their own merits, and raise their own fortunes, to recommend themselves to accumulated emoluments, by violent and oppressive acts, by representing themselves, when unpopular, as martyrs to the cause of administration, and insinuating that the service of Government, consists in a state of warfare with the people.

Some years ago, in one of those riots, which happen upon popular expressions of zeal, in this country as well as that, the windows of a man high in office having been broken, this circumstance was artfully exaggerated, and suspicions prevailed that it was not without design, knowledge, and connivance; this was the general opinion soon afterwards in Dublin, when he received a great patent

patent place, from the credulity of an antecedent administration; and it may have led other men into similar misrepresentations, and similar acts of violence and unpopularity, to obtain still higher situations.

It was, Sir, the policy of ages to appoint the first judicial magistrate in Ireland from the corps of the most respectable men in this country; men whom no party abuse has attacked, nor even calumny defamed: a system mutually beneficial: impartiality was the lot of Ireland; aid, assistance, and information, the portion of the English interest and government in that country. Those who were appointed from among the college of the judges here, kept up a constant correspondence with the great luminaries of the English law. Rash and precipitate measures were thus wisely prevented. A similar jurisprudence---a dignified moderation, predominated

dominated in the first legal department of that country.

Why an innovation should have obtained lately, is difficult to conjecture; some late events have proved how fatal the deviation was from a system approved by the wisest men in both countries, and time will multiply proofs of the truth and justice of this observation.

The late anticipated opinion in a great assembly in our sister kingdom, has surprised many cool and dispassionate men. It is irregular in Parliament to debate without a question; it is unfair and disreputable to surprise; where opinions are anticipated, the House of Lords becomes a court of original, and not of final judicature. The arrival of his Majesty's representative precluded debate. A short reply to a long speech  
is

is inadequate ; advantage was taken of two noblemen, who are not in the habits of public speaking ; and it was a meer Brutum Fulmen, because, if they were culpable, a censure, or at least a proposition to that effect, should have followed personal animadversion.

One part only of this philippic I approve of, namely, that it narrows the question of the dispute between the Lord Lieutenant and council, and the city of Dublin, to a short and intelligible point of law, which may be comprehended by the meanest capacities, at least as far as the statement of the point in dispute.

It is admitted that the right of the election of the Lord Mayor of Dublin is vested by act of Parliament, the 33d of the late King, chap. 16, in the corporation at large. The method of proceeding may not improperly be parodied



rodied and resembled to a county meeting in England, where the principal freeholders assemble, and recommend two members to the body of the electors, who accept of this recommendation, or, if not, proceed to a poll: both the said act in the case of disapprobation by the inferior body of the electors, and the act of Charles the Second, prescribe a new election in case of the disapprobation of the Lord Lieutenant and council. The resemblance to a county meeting holds good, only that in one case they vote for John, in preference to William---and in the other, that they affirm or negative a proposition, which has been presented to them.

Now, Sir, the question is this: Why have the inferior electors, or the majority of the whole body, namely, the common council, been refused their right of suffrage---and how stands this privilege at present, after alderman James,

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the objectionable candidate, has withdrawn his pretensions, by the late decision of the privy council ?

The question then, Sir, we are told by this great authority, which has been put to issue, and is to be decided in a court of law, is this: Can the common council negative the proposition of any person to be Lord Mayor, without giving a competent reason, of which a court of justice may approve ?

The words are taken from a reporter, celebrated by contending parties for his accuracy, his love of candour and of truth \*---“That if no just cause of objection lies to the man elected, (by the aldermen) the commons cannot withhold their approbation.”

Now, Sir, this position being a point of law, I shall not enter into it---pos-

\* Mr. W. Woodfall.

ably I am not equal to it---deprived of every assistance, of the advice resulting from the experienced, or even of those books, to which I might elsewhere have recourse; and I can only draw references from the resemblance of this case, to two memorable transactions, recorded in the annals and general histories of these countries.

The first was in 1682 : when a privilege was claimed by the Lord Mayor of London, to nominate Mr. North to be sheriff, by drinking to him on the Lord Mayor's Day, which nomination, he contended under the chancellor Jeffrys, should be confirmed by the livery, and expressed himself to that effect in his precept for assembling the citizens.

The form of such a new mode of confirmation excited general indignation; a poll was demanded, and two polls were held, one by the Lord Mayor,

Mayor, and one by the sheriffs, and the court candidates were declared, upon the poll of the former, duly elected; the sheriffs were committed to the Tower for their conduct; and this, among other articles, was the cause of bringing a *Quo Warranto* soon afterwards, and the forfeiture of the charter of the city of London.

When the city petitioned the King against this act of violence, a compromise was proposed, which has not been generally known, namely, that the charter would be restored, provided the citizens would allow the crown the nomination of their magistrates, if their returns to the King were twice disapproved; but this proposition being disagreed to, the judgment of forfeiture was entered, and the crown appointed magistrates for the city of London, till the Revolution.



The next case which resembles this, was a scheme of the Irish chancellor, Sir Constantine Phipps, to deprive the court of twenty-four aldermen, in whom the right of election was then vested, in 1713, of their right of electing a Lord Mayor of Dublin, by setting up a claim in the existing chief magistrate, to nominate three, out of whom the aldermen should chuse one. This the Mayor, Sir Samuel Cooke, actually attempted to put in execution; but the aldermen refused to consent, upon which he kept his office for a year longer.

What is very extraordinary, this proceeding was countenanced by an order of the privy council, with the advice of the chancellor, and of the judges, though in express violation of an act of the Irish Parliament, the 17th and 18th of Charles the Second.

After

After the accession of King George the First, this caused a long Parliamentary inquiry---the privy council were condemned by the King and Parliament ---eight of the nine judges were censured, the chancellor and some of them were removed; and they confirmed the rights of the corporation, approving of the conduct of the only dissenting judge, the chief justice Forster, and of the spirit and patriotism of the resisting aldermen.

In these transactions, the intentions of their authors were equally despotic; Lord Jefferys wished to influence juries, through the sheriffs of London, in the subsequent trials of Sydney and Russell; and Sir Constantine Phipps wished to have a Mayor of Dublin, it is supposed, with a design to proclaim the Pretender, as, at that period, all offices which were held by patent, terminated

upon the demise of the crown; a defect which has been since remedied, at least in this country; and during a short interval the Lord Mayor of Dublin became, from the nature of his office, the first executive officer in that country.

It is not with a view to insinuate that purposes and schemes, similar to those of such corrupt ministers, are now in the most distant contemplation: No, Sir, those were bad, these are mistaken times; but precipitation and arrogance, and the pique arising from measures which have not answered their intention, may generate consequential mischiefs in the present time, equally dangerous to the peace and tranquillity of these kingdoms.

There are men, Sir, in the sister kingdom, who pretend to see something in these proceedings, which may lead to a system,



a system, which, however just in itself, is certainly, at the present moment, very unpopular in Ireland.---To that most important system I can only turn one glance; for, more, or to speak out about it now, would be improper. When I think of the interests of the millions which inhabit these two islands; I own I am a convert to truth; individuals would suffer, but the many would gain; however, compensation for peculiar loss is not bribery, and private should give way to general interest---but time, the gradual, slow, and progressive influence of reason and of argument, can alone effectuate that system; \* no act of violence can approximate, conciliate, or unite these countries; nor should religion or truth be propagated by the sword.

The spirit and letter of the law, the precise words of the act of Parliament, the 33d of his late Majesty, give to the

\* A representation like that in 1654.



city of Dublin the free choice of their magistrates; where can be the policy, what end can it answer to deprive them of it? Of what great moment can it be, whether it be John, or James, A, or B, or one alderman or another, that are Lord Mayor of Dublin? Or does it weigh as a feather, when set in the opposite scale? Or can it be balanced against the public peace and tranquillity?

I have already mentioned the similarity of disposition in the inhabitants of these countries---reckoning from thence I cannot help thinking that the same principle should pervade the government of both; popularity here will have ultimately the same operations there; what are considered as grievances here, will operate in the same way in Ireland; of the violation of chartered rights, no man is, I believe, and may I presume to add, no man ought

ought to be more sensible and tender than yourself, since no man ever knew more of their effects at a late period, in 1784; no man ever benefited more by the consequences of those supposed infractions in the case of a great company.

Let me add, Sir, that it is very easy to give hard names, and severe epithets; men may be called wrong-headed who interfere, or who oppose the present violent system; absurd, or intriguing men may be persuaded of these calumnies, and believe that which they wish to be true; but I do not love innovations, I wish to keep things as they are, to follow religiously the prescriptions of the laws and of the constitution; the tenor of the various essays under this signature will witness the truth of that assertion; it is to innovators, to men who indulge their own fancy, their caprice, and their resentment, that public

riots and disturbances are to be ascribed.

In a word, Sir, the keeping this dispute alive, in any form, or in any process, can answer no purpose but that of fomenting discord, discontent, and reciprocal violence and animosity; why give your adversaries a pretext for just complaints? why deprive your friends of a plea in your defence? Let the projectors of this scheme suffer by their own rashness; let not others, let not the public be involved in the consequences. Fortune has given profusely, and shed unexpected favours---favours, I fear, for which public welfare has suffered, upon a man high in office in our sister kingdom; let him enjoy them, as great, abler, and wiser legal luminaries have, and do enjoy them in this country, with modesty, with decorum, and moderation; to swell the tide of his prosperity, is it necessary that the chartered rights  
of



of a great city should be dragged at the wheels of his triumphal car ?

To give way to reason, to justice, to moderation, is highly meritorious ; to yield to necessity is inglorious, and to compulsion and force is ignominious. Sir, let me add one valedictory, I will not call it a prophetic, word---this question will form a considerable article in the collection of great events from small causes, if it should be persevered in ; the spirit of the capital of that kingdom is the life-blood of the State, collected at the heart, which pervades and circulates through every artery of their constitution. You may remember, Sir, the words of the contemporary historian of King William, who attended him as his chaplain from Holland---“ Upon the news of the “ Prince’s sailing, says he, the charters “ were restored, and though all men “ saw through the affectation, even  
F 5 “ Lord



“ Lord Jefferys himself carried the charter which had been forfeited, with seeming joy and heartiness, to the city of London.” \*

### THEMISTOCLES.

\* A Police had been established in Dublin, in 1785-6, somewhat similar to the *Marechaussée*, in France, before the late Revolution; the ancient Parochial mode of guarding the town by watchmen, was superseded by a military band, both horse and foot, completely armed.

This scheme might have been rendered very useful:—Police, the security of the lives and properties of the people, are, doubtless, the first objects of Jurisprudence.

But, unfortunately, this plan was loaded with useless sinecures, and expensive offices: as is usual in that country, a public measure became a private job: a patronage was created; and administration hoped thus to secure the aldermen and leaders, and convert the city of Dublin, into a government borough.

Upon the general election in 1790, Lord Henry Fitzgerald and Mr. Grattan, were chosen members in opposition to administration; and the city thus marked their dislike of the measures of Government, particularly the Police Bill, as expensive, and inadequate to its professed purposes.

Th

Thus circumstanced was that city in June 1790; when the Lord Mayor and aldermen returned alderman James for the next Lord Mayor, but the commons, or common council, disapproved that nomination.

The commons then returned alderman Howison to the aldermen, who could not obtain either their approbation, or that of the Lord Lieutenant and council.

Upon which, the matter was brought before the privy council, and argued by lawyers, and it was designed to have trained the corporation of Dublin through all the tedious formalities of writs of error, &c. to the bar of the house of lords.

This scheme originated from a crown lawyer, at the head of his profession, grounded upon the following crotchet :

“ The common council have a negative upon  
 “ the nomination of a Lord Mayor, by the 33d of  
 “ G. II. c. 16. sect. 11—but the law never gives an  
 “ absurd power; the exertion of this negative  
 “ should be accompanied with a reason, of the  
 “ competency of which the privy council are to be  
 “ the judge :—If, therefore, you will give no  
 “ reason, your conduct is absurd, and your power,  
 “ or negative under the said law, a nullity.”

Upon this confused matter, endless would have been the discussions; and the jargon of lawyers

would have lasted as long as the siege of Troy :— but when this matter was explained in England, and the act of Parliament produced, and inserted in the papers, the minister here saw it in the light of a very frivolous matter—a mere by-battle between A. and B. or one alderman and another—sent his *noli prosequi* to Ireland—silenced the question, and quashed this idle litigation.

Upon this occasion the author flatters himself his humble labours were useful in displaying the act, or the following abridgment of it, in the papers, which is re-published here, as it contains the corporate rights of the city of Dublin; and the public will always draw just inferences from admitted facts:

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Abridgment of the 33d of G. II. c. 16. Irish Statutes, v. 7. p. 748.—Left the same question might arise, and the public in this country should be mislead by the cunning misrepresentation of artful, of designing, or ignorant and mistaken men, this accurate abstract is re-published.

The preamble declares—that dissatisfaction had arisen from the then constitution of the city of Dublin, and difficulties to its magistrates to preserve the peace:

Therefore—upon petition of the Lord Mayor, sheriffs, commons, and citizens of Dublin—

It enacts—that the common council, consisting of the Lord Mayor, 24 aldermen, the two sheriffs, 48 sheriffs peers, and 96 freemen, elected into the said common council, out of the several guilds, or corporations, in the manner hereafter ascertained, shall be deemed the common council and representative body of the corporation.

By Section the 2d—The said guilds are to return one representative, who is to serve three years.

Section the 3d, 4th, and 5th—contain provisions and penalties against the said guilds, for failing in returning such representatives.

By Section the 6th and 7th—The Lord Mayor is to convene the common council every three years, between the 30th of November and Christmas Day, to ascertain qualifications, adjust disputes, &c. of those who shall be returned as said representatives.—When the Lord Mayor, aldermen, and commons are to form a court, and to sit together.

By Section the 8th—The commons, or common council, shall return eight persons, worth 2000l. in real or personal property, at the usual time, from whom the Lord Mayor or aldermen, or usual quorum, shall chuse two to be sheriffs.

In case of the death of the sheriffs, four are to be returned as above.

By



By Section the 10th—Upon a vacancy, the Lord Mayor and aldermen shall nominate four out of the sheriffs peers, of whom the commons shall chuse one to supply the place of alderman.

By Section the 11th—The name of the person who shall be elected by the Lord Mayor and aldermen, for the mayoralty, shall be returned by them to the commons, for their approbation—without that approbation he shall be disqualified to act as Lord Mayor.

And they shall proceed to elect another in the said manner, till the commons shall give their approbation.

The 13th Section requires due and public notice to be given in the said elections of aldermen.

By the 13th Section—In case of a vacancy in the office of Lord Mayor, or alderman, from the obstinate neglect of the Lord Mayor, &c. the commons shall, on the following day, assemble at the Tholsel, and proceed to election.

Or the Lord Mayor and aldermen, if the fault be in the commons—*mutatis mutandis*.

The 14th, 15th, 16th, and 17th Sections—relate to a ballot for the said elections; and establishing a Court of Conscience, for 40s. before the Lord Mayor and court of aldermen: the common council may elect an alderman who has been Lord Mayor, to preside, with other qualifications of said Court of Conscience.

By

By the 18th Section—The Lord Mayor, aldermen, and sheriffs, are to be justices of the peace, within the city,—but not in the county of Dublin.

By the 19th Section—The Lord Mayor, and two justices of peace, or recorder of Dublin and two justices, may hold sessions to hear causes at quarter sessions, under certain limitations.

By the 20th Section—The recorder is to continue during good behaviour, until promoted to a superior judicial situation.

By the 21st Section—No person can serve the places of Lord Mayor, sheriff, recorder, or town clerk, of Dublin, until they shall be approved of by the Lord Lieutenant and privy council.

By the two last Sections—No alterations only those made in the corporation, by this act, shall take place—and this is to be deemed a public act.

N. B. The proof of the number of dram shops in Dublin, alluded to in the foregoing letter, depends upon the following authentic document:

In February 1789—upon a resolution, moved by the author, a return was made to the house of lords, of the number of houses assessed to the hearth-money in Dublin; and of the number of houses licensed to sell spirituous liquors—to which the following return was made in round numbers:

Houses paying the hearth tax	16,000
Houses licensed to sell spirituous liquors	1,300
	which

which made nearly every eighth, or ninth house, a dram shop:

In England, it appears, by a curious report preserved in Boyer's Political State, made by the Middlesex justices in 1735-6, every fifth house in London and Westminster was said to be in the same predicament,

If seven inhabitants be allowed to a house, the said return will give the *true* population of Dublin;—for, sixteen thousand multiplied by seven, will give a population of one hundred and twelve thousand inhabitants.

It is to be observed, that the hearth tax abolished in England, in 1689, still prevails in Ireland—from which no house or cottage in 1790 was exempted.



No. 11. SATURDAY, *August 22*, 1790.

SIR,

**T**HAT war is a great evil, is a truth of which many just and wise men have been long convinced; and the annals of mankind have proved, that even conquerors in modern wars seldom acquire valuable considerations for those mortgages which are imposed upon the present, and entailed upon the future race:—the gambler in the funds, the partisan, the political adventurer, may endeavour to inflame the minds of the people, and stimulate their desires for visionary advantages; the leffer, has often prevailed over the greater interest, and private advantage over public welfare; but I cannot help thinking the general prosperity to be paramount to every other consideration, nor of congratulating



gratulating my country upon the hope of a lasting peace.

Myſterious as the preſent negotiations with Spain have been, that part of the queſtion which will probably turn upon antecedent treaties, is open to the laborious and induſtrious; and as the treaty of Utrecht ſeems to caſt a light upon the preſent queſtion of the right of ſettlement on the north-ſiſtern coaſts of America, a ſhort comment upon this ſubject may deſerve a place in your valuable and inſtructive paper, and may not be at this criſis unacceptable to the public.

By the eighth article of our peace with Spain, which forms a part of the treaty of Utrecht, the rights of Spain to the colonies in South America are eſta- bliſhed, and the limits defined according to a declaration or public act of Charles the Second of Spain, in 1692.

It

It is said, that according to that declaration, which by this treaty is now become a part of the law of nations, those limits on the north-western coasts of America, extend to the sixty-first degree of north latitude, which is nearly the latitude of Petersburg, or of the Orkneys; and though I never saw it, much of the present question will probably turn upon that instrument; but I cannot help thinking, that this country at that period guarantied to Spain, the largest possible extension of her colonial limits in America, for the following reason---

It seems to be very extraordinary, that England should have ever guarantied limits which might ultimately affect her own commercial speculations and territorial aggrandizement; but the history of the succession war puts that matter in its true light.

Spain,

Spain, during the contention for that crown, being no longer able to preserve the monopoly of her colonies, by supplying their wants, was obliged to admit from necessity other European nations, either directly or circuitously, into a large share of that traffic. France in particular, through the favour of the first Spanish King of the Bourbon line, was the most favoured; and in the latter end of Lewis the Fourteenth's reign, a company was erected at St. Malo's, which almost engrossed the trade of Spanish America, and gave the greatest jealousy to England and Holland; their fears were increased by the suspicion of her establishing this lucrative commerce by a family arrangement, and by the King of Spain ceding some valuable portion of these provinces, or of those coasts, to France---and therefore our policy dictated, upon this occasion, the eighth article of the treaty of Utrecht.

Far



Far be it from me, Sir, to impose upon the public, to assert a fact which I have not sufficient information to prove, to lose that credit for veracity which I trust I have ever maintained, particularly in these Essays. All that I contend for is, that whatever the limits were, which were established by the declaration of Charles the Second of Spain in 1692, they are confirmed by the treaty of Utrecht, and that the limits of the colonial possessions of Spain are guarantied by us according to that declaration, which, whenever it shall be produced and authenticated, must necessarily have a great effect upon the question of Nootka Sound, and of the territorial possessions on the north-western coasts of America.

When I reflect, Sir, upon the many difficulties in which this country has been involved, by adventurers in South America; when I consider the visionary  
schemes



schemes of Raleigh at the beginning, and of the Scotch settlement at Darien, at the end of the last century; when I think that ministers, and a wise and a great assembly, have lately proceeded upon the information of a subaltern in the service of the East-India Company; when the whole project of Nootka Sound has the air of a mere contraband adventure; when doubts have arisen whether there are more whales in the southern, than in the northern hemisphere; and whether that fishery may not be rendered more valuable, by thinking that fishers in those latitudes, (if I may use a proverbial phrase) may render one more valuable than the other, by considering that all is fish that comes to their nets; I cannot avoid indulging a hope that some policy may be adopted to prevent adventurers from forming establishments, raising fortifications, and establishing principalities, to gratify their own fanciful ambition

bition in his Majesty's name in the South Seas, without permission or licence from Government. Every body knows that the system of Europe was changed, by the Duchess of Marlborough overturning a cup of tea on the gown of the new favourite, Lady Masham; and if this humour prevails, the universe may be embroiled by accidents as trifling and insignificant, namely, by the discovery of some of those glass bottles in which Captain Cooke deposited the memorandums of occupancy and possession, the livery and seizure of some of the newly discovered islands, in his Majesty's name. Territorial rights depend upon instruments, to discover which the voluminous *Fœdera* of Rymer must be consulted, nor can these rights come within the cognizance of ordinary men, or be put into execution with less formality of process, than what accompanies the taking possession

session of a common freehold in this country.

We have, Sir, still to look at the possibility of a war with Spain, aided by France, for a most trifling cause: stock-jobbers, partizans, rivals, and opponents of ministers, stimulate and incite warlike preparations, and hostile aggression, upon unknown grounds, and misconceived opinions; private jobs prevail over public welfare—Amidst the clamours of contending parties, permit me, Sir, to say one word for a party and for a cause which I hope is not altogether forgotten, namely, for the party and for the interest of the public; and to lament that few ministers are to be found who have replied with the same spirit of that great Prince, in the conclusive year of his reign, and the most glorious scene of his life, who, however he might be checked and traversed at that time, posterity must acknowledge that he has  
been

been an eternal benefactor to this country; I mean, Sir, the answer of King William to the Scotch Parliament, about the settlement at Darien: "I am sorry  
 "that I cannot assert the company's  
 "right of establishing a colony in Darien, without bringing the nation into  
 "a war, and disturbing the peace of  
 "Europe."

### THEMISTOCLES.



No. 12. MONDAY, Sept. 6, 1790.

SIR,

12 <sup>n</sup> **T**HE various remarks which have been made upon my letter of the 28<sup>th</sup> of August, induce me to re-examine it. The motives with which I am charged, render it necessary to intrude once more upon your's, and the patience of the public.

The intemperance of the lower classes of the people in Ireland, is principally owing to the neglect of Government. If every eighth house in their capital is licensed to sell spirituous liquors, it should be remembered, that in the year 1735, by an inquiry made by a committee of justices assembled at Hicks' Hall, and from a report, which is preserved in Boyer's Political State, every  
fifth

fifth house retailed strong waters in the precincts of the city of London. That evil has been checked here, by the salutary provisions of the legislature. A similar regulation in Ireland would reflect the greatest honour upon administration. The revenue derived from the licenses, is but thirty-eight thousand pounds a year, about one-third of the amount of the pension list. This revenue is but a paltry consideration, compared with the great objects in question, the morals, the police, the improvement and industry of a nation. Substitution is easy. The revenue might be increased in a less exceptionable mode. A revenue arising from such a source, is shameful and ignominious, and can only be defended by the well-known aphorism of Vespasian upon a revenue arising from a disgraceful and indecent source, *Dulcis odor lucri, ex re qualibet.*

12

This intemperance I stated in my letter of the 21st ult. as the principal difference between the lower classes of people in these countries; in other respects I see none; the same causes will produce the same effects, violation of charters, and of acts of Parliament, capricious councils, violent and vindictive measures, will have the same effect in Ireland as in England. If the late encroachments upon the franchises of Dublin have excited discontents; if seditions are alledged to be peculiar to that people, I shall only ask those who indulge such fond notions, what would be the consequence of a minister advising the royal negative upon the choice of the chief magistrate of the city of London, or of imposing a Lord Mayor upon them, who had been rejected by a majority of the livery? I believe it would not be difficult to foretel the consequences, nor would it be necessary

necessary to call in experiment to instruct them.

The Irish is now a counterpart of the British Constitution; the people have the same feelings in both kingdoms, upon constitutional questions; warmed by the same fires, affected by the same councils, pleased with legal and salutary, discontented with violent and despotic proceedings.

How far, Sir, government and popularity can go hand in hand, how far authority can be maintained, and the good opinion of the people cherished, I will not determine; but if the opinion of an illustrious foreigner be true, that the British Constitution is a republic, disguised under the name of a monarchy, I cannot help thinking the latter to be well worthy of the cultivation of Government---Those whose maxim it is



to condemn the people, will never possess their love and esteem; and the leading man in our sister kingdom, while he advises such measures, will render any administration unpopular, by which he shall be encouraged or protected.

It is generally believed in our sister kingdom, that this proceeding has been relinquished at the desire of the administration of this country; whether that opinion be well founded or not, I cannot decide; but I am sure if it be true, that policy, and the reformation of the abuses of the Dublin Police, will gain them the approbation of moderate and impartial men; the maxim is as true in civil as in military science, that a prudent and honourable retreat, is equal to a splendid and well-earned victory.

But it is asked, if I can impute to the confidential minister in Ireland, a design

sign to invade the privileges, and violate the charters of the capital; or if I can suppose him to be actuated by the principles of the tools of power in the worst of times? To this I answer, that I pretend to no superior sagacity, nor to investigate any man's motives; that I should be sorry to insinuate, without the clearest proof, any reason or any principles to any man's disadvantage: ---What the motives of those men who have excited such general discontent may be, I cannot tell; all I contend for is, that this scheme resembles the *Qua Warranto* against the city of London, under the auspices of Lord Jefferys; and the proceedings of the Irish chancellor, Sir Constantine Phipps, against the rights of the city of Dublin; I do not know of a fairer, or juster comparison, nor of cases, or precedents, which have so strong a resemblance, or which will bear a more clear and decisive analogy.

The Epilogue to this political interlude, the Phillippic in a great assembly in our sister kingdom, has been admired by those, and those only, whose zeal supercedes their judgment in the service of administration; but no man, Sir, who understands the rules of Parliament, can reconcile it to order; no lawyer, nor judge, will justify an anticipated opinion, when a writ of error was in contemplation, nor the substitution of an original, for a final jurisdiction; no elegance of expression renders it pleasing to the eloquent, nor urbanity to the polite; nor can any man of prudence, or common sense, justify such an indiscretion, who remembers the fatal consequences of the abuse of the American Newton.

The noblemen, Sir, who were the objects of that animadversion, stand high in the opinion of their fellow-citizens: Lord Charlemont, in particular,

is

is eminently and deservedly popular; the morning of his life was spent in gratifying the most liberal and laudable ambition, the attainment of science and information in foreign countries--After travelling for twelve years on classic ground, even to a remote country, before it was visited by Pocock, or explored by Bruce, he returned home to realize the wish of the Roman poet, to domesticate the fine arts, and the belles lettres in his native soil; to him, Ireland owes the early exertion of Mr. Grattan's abilities; whatever is excellent in the moral, the learned, or political world, has ever found a ready and a generous patron, in that nobleman: general esteem must follow a man with many private virtues, and no shades in his character, with that universal and flowing courtesy which is attributed, by the eloquent pen of Clarendon, to the virtuous and accomplished Faulkland.



The abuse of such a character was both unseasonable and indiscreet; impartial observers could not avoid comparisons, when it proceeded from those whose eloquence did not extend beyond the Forensic common-place, and ordinary cant of their profession, who appeared as a meer *Lusus Fortunæ*, who had been elevated by the caprice and *fashion* of the day, and had risen like the empty scale from its lightness and vacuity.

It is related, Sir, of the chief justice Holt, that when he had been reminded of the importance of the office of the Lord Mayor of London, he replied, tell me of the Lord Mayor of London! tell me of the Mayor of Queenborough! —not that he intended thereby to lessen the importance of the former, but merely to affirm that the rights of all corporate bodies, depending upon legal principles, were of equal consequence

quence in the contemplation of the law.

My letter upon the subject of the invasion of the franchises of Dublin, was, I conceive, addressed with the greatest propriety to a minister who rose early in popular estimation, from a defence of chartered rights, and the comparison of their rights with those of this metropolis was perfectly just; nor could any thing be more inconsistent than the supposition that the minister would countenance that species of violation in one country, which he had so effectually resisted in another.

My best acknowledgements are due, Sir, for your publication of my last letter upon this subject; it has been the design of artful men to impose upon ministerial credulity, ever since Lord North's administration, to insinuate that there was a latent fire in Ireland ready

to burst forth into rebellion, to magnify every puerile riot into a serious insurrection; and that they were the proper instruments to be invested with ample powers, to quell and to extinguish the embers of sedition: never was there a more ridiculous, nor a more fatal error---save only that mistake which was grounded upon this imposition---a mistake as extraordinary in politics, as it would be in chemistry; namely, that the infusion of a small insignificant portion of acid, would check and counteract a violent fermentation.

### THEMISTOCLES.

No. 13. WEDNESDAY, Sept. 15, 1790.

SIR,

THE establishment of a cadet of the House of Bourbon, upon the Spanish throne, after the victories of the Duke of Marlborough, and the association formed upon the ruins of the French marine, after the still more extensive and glorious successes under Lord Chatham's administration, are striking proofs of the fruitlessness and inefficacy of modern wars.

The leading policy of the treaty of Utrecht, was to keep France and Spain in a divided state; this was the case for some time; at present, the following is a short, but comprehensive state of their connection:

First,



First, Any power that shall attack either crown, is declared the enemy of the other: all their territories, as they now stand, are mutually guaranteed; and this provision is extended to Naples and to Parma, upon reciprocal engagements.

Secondly, Either of the two contracting parties, upon requisition from the other, shall furnish contingents of twelve ships of the line, and six frigates, and twenty-four thousand foot and horse, if France should be required; Spain, if she should be required, shall furnish twelve thousand troops, horse and foot, but the contingent shall be equal, if their establishments shall become similar: and Spain, if necessary, shall furnish Naples, or Parma, with twenty-one thousand troops, without any demand upon France, who shall not in her turn make any demand on Spain, in consequence of war in Germany; or with the northern.

northern powers, unless any of England or Holland should interfere; or unless France itself should be actually invaded; in either of which cases, France engages to furnish the Catholic King with twenty-four thousand troops, without regard to the disproportion of the French and Spanish military establishments.

Thirdly, Commissaries may be sent to see that these contingents are ready for the requiring party; the demand alone, shall be an indispensable obligation: and the question of attack, or defence, shall be decided upon their allegation only.

Fourthly, Those troops and ships shall be paid and treated as their own, by the requiring party; and ships, troops, and recruits, shall be provided to repair the losses of war. These succours, and contingents, relate only  
to

to the commencement of wars; but during their course, the two Kings shall carry them on conjointly, and with all their forces, as occasion shall require.

Propositions for peace are to be mutually received, and agreed upon; and losses mutually and fairly compensated. The King of Sicily shall be comprehended in this association, furnishing his proportional force, according to a separate treaty; it comprehends, exclusively, the House of Bourbon, whose subjects are restrained from hostilities against each other, and enjoy the rights of naturalization reciprocally; and the Droit d'Aubaine is abolished in favour of the Spaniards in France.

Fifthly, The subjects of the contracting parties shall be treated reciprocally as natural born subjects in trade and commerce, and pay the duties as natives; and no other nation shall enjoy

joy more advantages. The French shall be treated as the Spanish flag in Spain, and so vice versa. If either party shall form a commercial treaty, which shall grant particular favours, they must inform the nations concerned, that the parties must have similar privileges, and are excepted in this respect. The three powers shall communicate all alliances and treaties which they shall contract.

Sixthly, Their ambassadors in foreign courts shall live in perfect correspondence and amity; and to avoid disputes about precedence, the minister of the head of the family shall have precedence in the Bourbon courts; and in other countries, the minister of France, or of Spain, shall give way to the first comer; if they should accidentally arrive together, the minister of France shall precede.

and commerce, and pay the duties as  
- no other nation shall en- **This**



This may appear, Sir, a long detail  
--but you will be surpris'd when I tell  
you, that this is the sum and substance  
of every one of the twenty-eight arti-  
cles of the family compact, in 1761;  
for the truth of the abridgment, I refer  
to those who have seen that voluminous  
treaty of above twenty pages; and in so  
small a compass, it may not be unac-  
ceptable to the public.

It is now well known, that when  
Lord Chatham was informed by the  
Prussian minister at Madrid, of this de-  
sign, for which Lord Mareſchall was re-  
instated in his honours, &c. He wished  
to have kept Spain from acceding to  
such an agreement, as it is said, by the ces-  
sion of Gibraltar; when she offered to  
mediate in our dispute, at the beginning  
of the new reign, he considered her in-  
terference under an association, which  
abrogated the leading principle of the  
treaty of Utrecht, as a declaration of

war--

war—and as the cabinet differed in opinion, he resigned his office, as he would not be responsible for measures which he was no longer permitted to guide.

It has been supposed, that the dissolution of the family compact would be a consequence of the French Revolution; but so erroneous was that calculation by which the conduct of administration has been so much directed, that since the dispute with Spain, that treaty has been converted from a royal, into a national association, as far at least as has been consistent with the principles of the National Assembly.

In the negotiation between the two crowns, as a part of it is to be abrogated, I have divided it into six parts, and the third division in the foregoing summary, which forms three articles of the family compact, is to be annulled; this  
was

was clear from the principles of the National Assembly; for, the declaration of an offensive war, which would involve France under the stipulations of the treaty, could no longer be allowed to a foreign prince, when they had taken away the power of declaring war from their own sovereign, and the appointment of commissaries was deemed invidious; in every other respect, that treaty will be ratified by the French nation.

The eighth article of the treaty of Utrecht, which requires that the Spanish colonies in America shall be preserved entire, according to the limits that were prescribed in the reign of Charles the Second of Spain, is a provision of the last importance to this country: those who condemn the conduct of the administration who made the peace in 1713, allowed their wisdom, forecast, and attention to the welfare of their country, in that respect: what

what the limits in that monarch's reign were, it would not be proper to state positively at the present moment, because it would be to opiniâtre and to decide upon a great territorial right; but it may be, I conceive, with great decency, and perfect propriety, stated hypothetically.

If then, Sir, the declaration of Charles the Second of Spain prescribes the sixty-first degree of northern latitude, as the limits of Spanish America---if the assertion of the Spanish ambassador, to the French court, be founded in fact---if those who entertain the same opinion of him that I do, of his character, of his honour and integrity, cannot think he would proceed upon any document, which was not ready to be produced to authenticate his opinion---if it be true, that the Spaniards have always claimed that boundary, and if a map of all the dominions of Spain, which was deline-



ated by a professor of mathematics, about thirty years ago, and published by the authority of their government ; \* if all these facts be true, the question for this country to consider will be this --- Whether it will be expedient, or for the welfare of England, to set aside the eighth article of the treaty of Utrecht ; whether the great barrier to the French forming colonies and establishments in South-America, will not be thereby removed ; and whether a provision framed with such wisdom and prudence, should be abrogated in consequence of an establishment formed by a contraband company at the Antipodes, for supplying China with furs from Nootka Sound ; a commerce which was certainly interdicted by an act of Parliament, in 1710, by which the South Sea Company was established.

\* There is a copy of this map in the King's library, at Buckingham House.

Is it not enough, Sir, that the appearance of a war has already had a tendency to connect France and Spain more efficaciously, and to rivet the ties of their former association; without doing away the great barrier which was formed against Spain, by admitting France into a copartnership in her American colonies?

Upon such grounds is it not obvious and natural to suppose that France would take an effectual part against us? But as her powers to carry on war may be at this time somewhat problematical, I shall trouble you another day with some remarks upon the probable consequences, and influence upon foreign politics, of the French Revolution.

In the mean time, Sir, let me conclude with expressing a belief that peace between us and Spain will operate more probably to divide that country

The

and France, than a war; that the interest of England has a pacific aspect. The appearance of war at least, has had the effect of tying that Gordian knot, the family compact, still closer; nor is it probable that our youthful minister, like another Alexander, can cut it with his sword.

### THEMISTOCLES.

No. 14. THURSDAY, Sept. 23, 1790.

\* \* This Letter was in answer to several very abusive remarks, that appeared in the public prints—as truth will always make its proper impression, and men who really wish to serve the public, must be prepared for every degree of slander, obloquy, and misrepresentation:—so just is the maxim of the Roman orator—

*Obsequium amicos; Veritas odium parit.*

SIR,

**H**ITHERTO I have remained silent, that I might answer many animadversions collectively. To your candour and liberality I shall consign my reply to a letter signed ORMOND. To his remarks it is expedient I should rejoin; I shall do it with moderation. We answer those with propriety, whom we read with respect.

H

The



The revenue arising from wine and spirit licenses is stated in the public accounts of Ireland, in 1788, at thirty-eight thousand pounds. The inland excise is but ninety-four thousand pounds, of which an excise on spirits forms a part, and the sum total of the Irish revenue is near seventeen hundred thousand pounds. From these attested facts, every man will see how much ORMOND is mistaken, in saying that the revenue upon spirits amounts to hundreds of thousand pounds; it is improbable they should amount to four-score thousand pounds a year; and that they exceed that amount considerably, as there is no other head under which taxes upon them can be stated in the public accounts, is incredible.

To the question; if the streets of Dublin are disgraced by ostensible intoxication? I answer with that confidence which truth inspires, that it is  
but

but too visible that hundreds of the lower classes may be seen reeling home in a morning, disqualified for every thing but sleep, which only serves to renew the debauch. This I admit is only assertion; but authority may turn the scale in my favour. I remember to have heard the late very respectable rector of the largest parish in that city declare,\* that he never attended the workhouses, nor ever saw any combination of beggars, that the effects of whisky (for so is the liquid poison of that country called) was not visible and decisive.

This, Sir, is a question not of an hour, of a day, of a year, or of any given period. The consideration of this subject will survive the present dispute, and the present disputants. The vital springs] are corrupted; the blossoms of generation are withered; it comprehends the

\* Dr. Law, rector of St. Mary's.

present and the future race, since both are injured by the excels in question in Ireland, while the stock of public industry is diminished. Of this truth, and of the neglect of Government in this particular, the wisdom of that country is, at last, sensible; they will accelerate a reform next session with accumulated energy, and administration will have a fair alternative, to relinquish this tribute to morality, to police, to public welfare, or to yield ultimately to a requisition which they ought not, nor cannot resist. Idle are the arguments about the loss of revenue, which can be easily replaced—disgraceful is the plan. It can scarcely be thought to form a part of the system of a civilized country. A revenue derived from an inebriating poison, is equally disgraceful, whether it proceeds from spirituous liquors in Ireland, or from laudanum in Turkey.

Thus

Thus far I have proceeded on the grounds of certainty: happy to think, that I have had the good fortune to place this momentous subject in strong relief and glaring publicity. The rest of my letters were merely matters of opinion—but of that in its place.

It would be presumptuous, indeed, to decide upon the proper qualifications of a great law officer---but the question may be rescued from personality, by considering the merits of a system, founded on the uniform wisdom of ages, compared with the system of yesterday, if fancy and humour deserve the name of system.

Upon the introduction of the English laws into Ireland, it was an obvious policy to appoint some English judges, particularly in the first legal department, to carry them into due execution, and



to maintain an uniform practice in the legal practice of these countries.

This was the policy of the ages, from the remotest period to our own days. The restoration of the appellant jurisdiction rendered it still more necessary; expedience presented that the dernier resort should be in this country, but strict right was against it, and foiled that option. The act which deprived them of their jurisdiction, was an act of violence, and, with due deference, of error. The preamble on which the law was grounded, "Whereas the House of " Lords of Ireland have of late, against " law, taken upon them to decide " causes," &c. asserted that, which was contradicted by a charter of Edward the Third; soon after the holding of the *first* Irish Parliament, in the third year of his predecessor, Edward the Second, and by numerous and continued precedents :

precedents : \* but though the jurisdiction could no longer be withheld, even by men who were convinced of the expedience of a different constitution, yet a simularity of practice was desirable to the landholders in Ireland, and to the money-lenders in this country. In a short lapse of time, it will probably vary ; nor could that be prevented perhaps otherwise, than by the advice and influence of the assessors perfectly conversant in the practice and forms of Westminster Hall : when I reflect upon this, and many other reasons too numerous to detail, which crowd fast upon my mind ; when I see so many arguments in favour of the antient system, and know of none in favour of the innovation, I must consider it as a matter of surprise and astonishment, nor shall I wander into mazes of conjecture.

\* Vide representation of the Lords of Ireland, in 1719, to King George the First, against the British act that suspended their jurisdiction.

Sir, I never asserted that disturbances were fomented by any ministers in that country, but only that there were some leading men in Ireland, who owed their elevation to insinuations here, that there was a latent fire in that kingdom, a spirit of discontent and disaffection, which they could extinguish if they had full powers. This, I said, was a popular opinion, which I inclined to believe, and I shall here superadd, that there never was a more idle, nor a more groundless opinion; if it were asserted, that there was a latent fire in a dwelling-house, and years after years had elapsed without its ever bursting forth, what should we think of that credulity that could suppose that a fire was still existing there, and ready to predominate and to consume?

Touching the election of the Lord Mayor of Dublin, there is a fallacy in ORMOND's statement which is necessary to

to be refuted; I deny that the contest was in reality between the aldermen and commons of that corporation; the former were only the agents of administration, influenced by the patronage of the police regulations.

It is a maxim of common-sense, as well as of law, that *qui facit per alios, facit per se*; when the aldermen could not carry their point, and it was absurd to suppose that the minor interest could preponderate, administration interfered, new points were started to involve the plain prescriptions of a late act of Parliament in legal subtlety, and to deprive them of their right of a free election, to bring the matter before tribunals where opinions were anticipated, where a writ of error was in contemplation, and the defect of argument was supplied by abuse.



It is, Sir, no longer my wish to intrude any more observations upon the public, or to keep alive an altercation which has been wisely dropped. It is believed in our sister kingdom, and I cannot help thinking with truth, that upon a fair statement of the grounds of the question, the administration of this country desired that this silly dispute might be quashed, and insisted that public peace and harmony should not be interrupted by a perseverance in these idle and capricious proceedings. The great man at the helm wisely foresaw that much mischief might arise from this question, and no good, and therefore wished that it should be totally relinquished, and, if possible, buried in oblivion. His own character, his principles, his popularity, naturally induced this mild and equitable conduct; neither do I see how he could act otherwise, without forfeiting his own reputation and consistency.

Let

Let me ask, Sir, of the writer, who doubts of my principles and integrity, whether he has read my letters in 1788, upon the regency? Let them rest upon that ground. Prudence, perhaps, should have forbidden such services, at such a period; but I am not to blame for the forgetfulness of other men; plausibility may suggest to men in exalted stations, that pleasantry of Charles the Fifth to Cardinal Ximenes, when he banished him to his diocese, and told him that he only wanted repose, since Heaven alone could properly compensate the disinterested services which he had rendered to the state.

Prejudices there are, Sir, attached to my situation, which have rendered my exertions more useful in a fictitious, than in a real character; but if I shall not unmasque from vanity, I am not afraid to justify myself whenever it shall be expedient, nor shall I ever shrink

from responsibility. If other public writers have possessed more brilliancy of style, or luxuriancy of fancy; none of them have ever stated facts with a more religious attachment to truth.

May the public profit by my humble labours, and I shall be happy to communicate any facts, or any opinions which may be of general utility! The principles of the well-intentioned are their shield; and I do not admit the lately exploded doctrine, that truth can constitute a libel. \*

#### THEMISTOCLES.

\* In 1791, there was a long parliamentary inquiry upon this momentous subject; some regulations were made, inadequate to the remedy of such a mischief; far short of the wishes and hopes of patriots, and real friends to the welfare of their country.

The

The finances, and some old prejudices in that country, prevented a radical reform: but, it is conceived, that a revenue derived from such a source, is not only disgraceful, but highly impolitic:—the rents of a kingdom must be increased by the increased labour of the inhabitants—but the generality of labour is lessened notoriously by the use of spirits; therefore, there must be a proportional subtraction from the rental of Ireland.

All hopes of national improvement are vain and visionary, in a country where liquid poison is permitted to be sold—the abolition of whisky in Ireland, and of opium in Turkey, are necessary to promote their improvement, and civilization.

The pleasantry of a noble Earl, well-known for his caustic replies, and facetiousness in the English and Irish senates, may be worth recording—not for its severity, but its truth—“That it was vain to  
“look at improvement in a country, where the  
“bulk of the inhabitants had been intoxicated for a  
“century past.”

And it is also well worthy of notice, that a particular and excellent friend of the author, in the first *department* of the law,\* often said—“That his  
“English servants, many of whom were the best  
“subjects when he left England, whenever they  
“took to whisky, could never be restrained by

\* *The late Lord Lifford.*



“fears or hopes—by councils—or by promises of  
 “promotion, from indulging in habits which lead  
 “to destruction,”

An eminent proof that sobriety is persecuted by the wise provisions of the legislature, more than by any peculiar virtues in the inhabitants of any country.

Incredible almost are the effects produced by spirits to those who have not visited, though they are well known to those who reside in Ireland.

Such are the effects of whisky, that a coachman shall run to the corner of a street to a dram shop, and return in a few minutes disqualified for his duty—while even beggars find spirits in such plenty, that they can easily afford a debauch.

The two great objects to be pursued in Ireland, are the improving of the breweries, giving a pleasant beverage to the lower classes, as in England, while they check or suppress the distilleries; agreeable to a plain, rational and practicable system, proposed in 1791, in Parliament, by the first commoner in that kingdom.

The argument—that checking the home distilleries would promote the smuggling French Brandies no longer applies—as the state of France, and the interdict of French commerce—annihilates that favorite argument, and puts it entirely out of the question.

No. 15. SATURDAY, OCT. 16, 1790.

SIR,

**T**HE various disputes and wars with Spain, in different parts of our annals, are so like, that I am surprized to find that so few remarks have been made upon their resemblance.

If the dispute in 1739 originated from a contraband trade; if the nation was precipitated into hostilities by the supposed injuries of Captain Jenkins; the present difference has had its commencement from what has the appearance of a smuggling adventure, by the adoption of Portuguese colours in the expedition to Nootka Sound; the public have had a similar narrative of the ill treatment of the captain of the *Trelawny*; and further, they have been lately amused with

with the most extravagant idea that could enter into the most extraordinary conception; namely, that of burning our fleet at Plymouth, by fireships, unprotected, and unconvoyed, which were said to be designed for this solitary expedition from the Spanish coasts, and sent alone upon this romantic adventure.

The report which was made in the reign of the Second Charles, by Sir John Narborough, from actual experience, that little advantage could be derived from voyages to the South Seas, except by such armaments, as, with a sailor's morality, "might trade by force," did not deter the writer of Anson's voyage from magnifying the importance of a settlement in those districts. Some sloops were sent, in 1748, for the farther discovery of Falkland's islands; but upon the representation of General Wall, the Spanish ambassador, the ministers

nisters relinquished their design of settlement, and professed only motives of mere curiosity and discovery; but afterwards, upon farther negotiations, the whole scheme was at that time abandoned.

But, a settlement having been effected there in 1766, when Lord Egmont presided at the admiralty, it gave rise to the famous dispute in 1770, which terminated, after a long negotiation, where there were as many messages as the present series of ultimatums, as they are whimsically called, by the King of Spain disavowing the violent capture of Bucarrelli, and promising to restore Port Egmont, with its stores and artillery.

To this was subjoined a declaration, that it ought not to affect the right of sovereignty in the island; and of prior possession: these declarations were accepted



cepted by Lord Rochford as the terms of peace. Whether the right of sovereignty was conceded to us afterwards, is doubtful; but this bone of contention, for which millions might have been lavished in a general war, was afterwards abandoned, as not worthy of preservation, and it was soon erased from public recollection.

You must remember, Sir, the comments upon this subject of that illustrious writer,\* and yet, notwithstanding the clamour upon that occasion, nothing could have been more absurd than to engage this country in a vast expense, in a prodigality of blood and treasure, for a settlement where we did not chuse to remain, or to hold as tenants of a waste, and possessors of inhospitable sterility.

\* JUNIUS.

Lord

Lord Chatham, it is true, pressed on a war for private reasons, which were known then to few but himself; but at that period, and during the whole of the Duke de Choiseul's administration, the seeds of rebellion in America were cherished, and emissaries from thence had appeared in Paris, soon after 1763; a war with the House of Bourbon at that time would have prevented subsequent disgrace; and his foresight and sagacious prevention were afterwards eminently conspicuous.

The celebrated citation from Demosthenes, which he applied to that emergency, "that a war would find means and objects," perhaps might have applied at that time; but invulnerable as this country is in the present situation of Europe, that assertion is no longer applicable; and it is difficult to conjecture, what objects could be attained, to indemnify us for the transcendent expense

pense of a general war, before this country has recruited her strength, and her losses in the American crusade.

The Spanish colonies, as they stood in the last century, are guarantied by the two maritime powers by the treaty of Utrecht: the trade of Nootka Sound, and still more a settlement there, are admitted to be trifling objects. It does not appear that the Southern Whale Fishery was ever questioned, or that it exceeds 140,000l. a year; if a commercial Spanish treaty is in contemplation, it cannot be shewn that such measures were ever carried by war; the revolt of the Spanish colonies is a distant, obscure speculation, doubtful and problematical at best, with a reference to the particular interests of Great Britain.

It is said that the population of Spanish America is nearly equal to that of  
Old

Old Spain, or about ten millions of inhabitants; they have more power than the Anglo-Americans to effect a separation, in the proportion of ten to three, as the latter were said only to amount to three millions; but of their intention there is no overt act---climate operates upon government---and that liberty which is so highly prized in northern, may not have the same energy in southern latitudes.

Thus circumstanced, it must be the wish of every friend to his country, that accommodation may be effected; amputation alone can remove some diseases in animal nature; and by the perversion of passions, there may be gangrenes in collective life, where fire and sword are necessary remedies; but notwithstanding the tediousness, the irksome, provoking, expensive delay of protracted negotiations, it must be admitted, that wisdom and patriotism cannot



not be better employed, than in preventing, till there is yet a chance of gentler methods, such dreadful operations.

In a word, Sir, as accommodations and treaties are the usual consequences of war, so also is peace the end of preparations for hostilities; the gentler, the less expensive methods of obtaining it are unquestionably the most desirable; and it would be absurd to wish for obtaining that from the one, which can be procured in a far less expensive and more eligible method from the other.

**THEMISTOCLES.**

No. 16. WEDNESDAY, OCT. 21, 1790.

SIR,

**W**HEN I saw it lately asserted in the public prints, that opinions had been entertained that impeachments were terminated by dissolutions of Parliament, I own I was much surpris'd, and the idea appeared to be a speculation which was not warranted by parliamentary usage and precedent.

But upon maturer recollection, I cannot help thinking precedents are in favour of this opinion. Far be it from me to opiniâtre, or even to risque a conclusion upon such a subject. The following observations are entirely at your service---I offer them to the public with respect, caution, and diffidence,

dence, through the medium of your valuable paper: though I shall not ground any opinion upon them, I think they will justify a fair conjecture upon this subject, and they may appear as a safe tribute to public curiosity.

The first instance of a decision upon this question was on the 19th of March, 1678, when it was resolved upon a report of precedents from the beginning of the Journals, and a long debate, that all cases of appeals, and writs of error, continued in *statu quo*, from one session to another, and impeachments also; and that the dissolution of the last Parliament did not alter the state of impeachments brought up by the House of Commons the last sessions.

Upon an attentive perusal of those precedents which were then produced, they appear to apply chiefly to civil cases. Thus the matter rested; but upon the

the dissolution of Parliament, in 1680, the impeachments of Lord Danby, and three other Lords, were handed over to the next session, which was, after an interval of above four years, in 1685; and upon the petition of the Earls of Danby and Powis, and the Lords Arandel and Bellasis, it was decided the 22d of May, 1685, after a long debate, that that part of the said order in 1678, which regarded impeachments, ought not to be renewed; those Lords were enlarged agreeable to their petitions, and their impeachments were discharged.

This last proceeding, it must be admitted, took place in a reign very inauspicious to civil liberty; but upon a similar case the 30th of October, 1690, after the dissolution of the Convention Parliament, it was decided at a period near the Revolution, in that great æra of civil and religious liberty, after an



able report, and a long debate, that impeachments did not continue after a dissolution; and the Earls of Peterborough and Salisbury, who had been impeached for a reconciliation to the errors of popery, were enlarged according to the prayer of their petitions, and their impeachments were considered as terminated by the intervening dissolution.

All these precedents came under consideration in the case of the Earl of Oxford, who had been impeached the 9th of June, 1715. The Parliament was kept sitting, by adjournments, until the 26th of July the following year, when it was prorogued to the 28th of February, 1716, O. S. and upon the Earl's petition on the 22d of May following, though it was determined, that the aforesaid prorogation did not alter the state of the impeachment, yet it appears, that they left the two last determinations

minations in full force, with regard to dissolutions, for the following reason :

The protest which was entered against this vote, states, that in the debate upon this occasion, a distinction had been made between a prorogation and a dissolution, which the protesting Lords argued were the same in the contemplation of the law ; and, therefore, that this resolution tended to invalidate the whole of the determination in 1685, and 1690 ; and though reasons upon the Journals in the form of protests, against measures which have passed, have often a very extraordinary aspect, yet sometimes they have the merits of stating the grounds and arguments upon which measures have been founded, though they have been cited merely for the purposes of refutation.

These, Sir, are only reflections upon past events, and statements of pro-

ceedings in past ages. Though these were the only instances which occurred to me of decisions upon similar questions, when I went through the Journals of a great Assembly, I am far from thinking that I have had the good fortune to arrive at that degree of information which would enable me to form well-grounded opinions upon this subject. The distinction between a prorogation and a dissolution seems to be well founded, *Interest Reipublicæ, ut sit finis litium*, and the most obvious termination of civil or criminal prosecutions, is, that which arises from the individual or collective death of the parties concerned in the suit. This mode of reasoning does not apply in the former, though it does in the latter instance; a prorogation is the continuance; a dissolution is the termination and civil death of Parliament. It might be expected that inferences should be drawn from hence, and applied to the  
case

case of Mr. Hastings ; but there may be a difference between his prosecution, and other proceedings of a similar nature, which may render these precedents at present inapplicable ; and it is certain that the early part of his impeachment differed materially from those of former periods. But having stated this fact, it must be supposed that this difference arose from the peculiar complexion and difficulty of the case, or a deviation from ancient customs would not have been allowed by the superior wisdom and intelligence of a great Assembly.

Upon a review of these cases, I cannot help thinking that there are strong grounds for this conjecture (and as such only I have stated it) that impeachments terminate upon a dissolution, according to the ancient practice and usage of Parliament.



I have carefully avoided, as far as I was able, to apply them to the existing impeachment: though it is true that I wish well to the party concerned: it is too often the lot of great merit, of great abilities, of important services, to be the prey of envy and of misrepresentation.

The preserver of India resembles some of the great characters of antiquity, in many respects, but principally in his unmerited misfortunes. It is an obvious, but a just remark, that we have lost an empire in the West, without punishment, or even inquiry; and that prosecution, perhaps persecution, has been the lot of him to whom we owe the preservation of the East Indies.

Upon reflection, upon revision, by mature inquiry, and deliberate judgment,

ment, the justice and good sense of this country will ever be rectified, and the slow and unwilling gratitude of men will hereafter confess, that this empire owes to him, numerous, nay, infinite obligations.\*

\* The longest parliamentary trial, and the impeachment whose duration resembles most that of Mr. Hastings, was the trial of the chancellor Bolton, and Sir George Ratcliffe, in 1640-41.—Lord Mountmorres *Irish Parliamentary History*, v. i. P. 347.

## THEMISTOCLES.

No. 16. THURSDAY, Nov. 4, 1790.

SIR,

**WHEN** Mr. Hastings's impeachment was brought up to a great tribunal, the first step which was taken was to appoint a committee to inquire into the precedents and examples of similar measures, and the subsequent proceedings have been directed according to the established forms and usages of Parliament.

Whenever the impeachment shall be mentioned, in whatever manner it shall be discussed, wherever this question shall be agitated, this conduct must be spoken of with due respect and just applause; nor is this a mere commonplace

place compliment to a man high in office, but the fair testimony of candour and truth to the regulations which originated from the learned, the great, and respectable character who presides in that Assembly.

But previous to that period, it is certain that in the late Parliament, the impeachment was not conducted like similar proceedings in former times, nor were those precedents formally examined. I troubled you, Sir, with some remarks upon this subject, four years ago, which I shall not now repeat; suffice it briefly to observe, that the ancient method of framing the articles in a private committee, as probable grounds of impeachment, and presenting them all together for the approbation of the House; or the method which was adopted of drawing the articles up in a general committee, and agreeing to them

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one



one after the other as positive resolutions, which remain as such upon the Journals; would make a material difference to the party, if he should be ultimately acquitted.

When posterity shall ask, if we had lost any provinces, or suffered any material losses in India? If the company had disapproved of his conduct, or if his employers had been dissatisfied? If the natives had complained of his government to his successor, or presented any grievances for redress? If there were no ways and means, as well as ample time, for the communication of complaints? If all these questions could be fairly and justly answered to Mr. Hastings's advantage, they must be astonished at this proceeding; and all these circumstances being considered, it must give satisfaction to the impartial to hear that there is a probability of the speedy

speedy termination of a process, which, from its extreme length, could not within the usual course of a man's life, as it is calculated upon tables of annuities, answer the purposes of justice, nor fulfil eventually the public expectation; neither could it probably conduce to positive crimination on the one hand, nor to decisive and satisfactory acquittal on the other.

When it becomes the interest of powerful individuals, or of any great combination, to overwhelm any man, however meritorious, their schemes and misrepresentations are too often successful: and I remember to have known (if small things may be compared to great) a very deserving man, who had resented as he ought to have done some dishonourable conduct in very high life, in an interesting affair, who, through female artifice and intrigue, was invol-

ed in a most unjustifiable persecution; who was treated with unbecoming indignity, upon an idea, which was artfully infused, and credulously believed, of his being wrong-headed, though every part of his private life was unexceptionable—and though the discerning few knew well at the same time, that the party which had treated him in a manner irreconcilable to just and honourable minds, had profited by his spirit, and his public exertions.

If inquiries into public misconduct were necessary, Sir, they should have taken the opposite course, and the loss of an empire in the West, would truly have deserved examination and exemplary punishment: but a measure which one set of men instituted for party purposes, or perhaps to gratify private resentment, while those of another description countenanced it, to prevent

a man

a man filling a high situation, to which his knowledge and abilities might naturally lead him, never can be acceptable, when its motives are sifted, and when it is thoroughly explained and clearly understood by a judicious and discerning people.

To conclude, Sir, the ideas of men being born qualified for great situations, and enabled to undertake great departments, where they must often act for themselves, and from their own resources, may be pleasing in fancy or in allegory, as the birth of Minerva in ancient mythology; but they can never be reconciled to practice or reality. Experience forms the able man, and labour alone confers the principal requisites for great charges and great offices. But men of this description will be the object of the envy of inferior capacities—and after all their services, and all  
their



their toils, like the hero celebrated in poetry, and proverbial for his twelve labours; they will still have this monster to subdue at last.

THEMISTOCLES.

**A**MONG the various causes which gave such an ascendancy to Rome over the ancient world, and produced such a predominance, and such a continued influence; perhaps the policy of extending the rights of naturalization may be considered as the principal; and such was the facility of communicating the privileges of a Roman citizen, that the world may be said rather to have spread upon Rome, than the Romans upon the world.

their toils like the hero celebrated in  
poetry, and proverbial for his twelve  
labours; they will still have this monster  
to subdue at last.

No. 17. THURSDAY, Dec. 15, 1799.

SIR,

**A**MONG the various causes which gave such an ascendant to Rome over the ancient world, and produced such a predominance, and such a continued influence; perhaps the policy of extending the rights of naturalization may be considered as the principal; and such was the facility of communicating the privileges of a Roman citizen, that the world may be said rather to have spread upon Rome, than the Romans upon the world.

Contrary to the system which prevailed in the two rival States of Greece,  
of

of considering the conquered in the constant light of alienation and of enmity; the founder of Rome seems to have bequeathed this maxim to his descendants, to incorporate the vanquished, and unite them to the State, by the ties of common interests and of mutual privileges.

Some of the most illustrious Patrician families were of foreign origin. Thus the Julii were from Alba, the Porcii from Tusculum, and the Balbi from Spain. All Italy and part of Spain had been admitted to the privileges of the Roman citizens, and their nobles to those of the senate. When the Gauls who had conquered Rome, and had retained the greatest animosity to that state, were admitted to the privilege of being eligible to the Roman senate, in the reign of Claudius.

It

It was upon that occasion that that Emperor pronounced a speech, where, in the preceding principles are detailed, and where that celebrated maxim of "*transferendo huc, quod usque egregium fuerat,*" is to be found, as it is ascribed to him upon passing that memorable decree, in the annals of Tacitus.

In the new French constitution, whatever its defects may be, two principles can never be over-valued or praised too much. The one, the admission of all subjects who contribute to the public charges, to the rights of active citizens, save only those who shall have refused to pay their own or their parents debts; the other, the facility of naturalization, by the acquisition of property, by purchase, by marriage, or by a commercial settlement, and by a residence of five years in that country,

In



In these kingdoms there are few instances of the adoption of a general principle of naturalization. The most memorable instances of it seem to have been an act which was proposed in Parliament soon after the Revolution, to naturalize all foreign Protestants, which was repealed in the reign of Queen Anne, and which had probably a reference to the emigrations from France, in consequence of the repeal of the edict of Nantz, in 1685; and a law which passed about ten years ago in Ireland, whereby all persons who shall take a short oath of allegiance, shall obtain all the privileges of citizens, save only those of being privy counsellors, members, and of sitting in Parliament.

The general naturalization bill after the Revolution appears, from the report of the chairman of the committee, to have been presented by the great philosopher

philosopher who was member for the university of Cambridge, in the Convention Parliament: and I have accompanied this curious, perhaps, solitary parliamentary anecdote of that ornament of human nature, with a reference,\* as any circumstance which is not generally known, and which can be authenticated, must be highly pleasing, and generally acceptable, that relates to Sir Isaac Newton.

When we consider, Sir, the various races which have predominated in successive ages—when we reflect upon the changes, the gradual increase of the inhabitants in this country, since the Roman invasion, and when we think of the various emigrations of Dutch, of Germans, and of French Protestants in the reign of Louis the Fourteenth,

\* Commons Journals, vol. x. page 93.

upon

upon the repeal of the edict of Nantz ; we must consider that argument to be idle and groundless, which prevailed in Queen Anne's reign, when the afore-said law was repealed, namely, that the British race would degenerate by the settlement of foreigners in this country ; and liberal minds will be disposed to adopt a contrary opinion, viz. that the human species improves by connections with foreigners ; as the race of that noble animal, for which this island is so celebrated, has been bettered, and brought to its present degree of excellence and perfection, by the mixture of foreign blood.

I remember to have seen, Sir, at the conclusion of the American war, a history of that unhappy difference, which the author terminated with recommending this liberal policy to his countrymen ; it is written with great eloquence,

eloquence ; and the liberal style in which he informed us, what they designed to do, when they should be independent, and what schemes they intended to pursue, to promote the future prosperity of that continent, will justify, I hope, the following citation :

“ The gates of the temple which we  
 “ have erected to freedom, shall be  
 “ opened wide, as an asylum to man-  
 “ kind ; America shall receive to her  
 “ bosom, and cherish and protect the  
 “ forlorn, and the distressed of every  
 “ nation, and of every clime ; ac-  
 “ quainted with the bigotry and super-  
 “ stition of other countries, we shall  
 “ cultivate the principles of general  
 “ benevolence, by considering all men  
 “ as our brethren—as the children of  
 “ the universal parent ; we shall grant  
 “ an unbounded freedom to trade, and

\* History of the Irish Parliament, v. i. p. 427.



"commerce shall waft to our shores  
 "the various productions of the earth,  
 "and all those arts, and all those ad-  
 "vantages, by which human life and  
 "human manners, are polished and  
 "adorned."

### THEMISTOCLES.

\* Naturalization has been carried farther by the Irish, than by the British parliament. In one thousand seven hundred and forty-three, a bill passed the House of Lords, which was presented by Lord Clanbrassil, for naturalizing Jews. This was negatived in the House of Commons; in the subsequent session of one thousand seven hundred and forty-five, however, a similar bill was brought into the House of Commons by Mr. Thomas Fortescue, and passed that House; but it was rejected in the Lords, about six or seven years before the famous Jew bill was in contemplation in England.

But, in the year one thousand seven hundred and eighty, a general act of naturalization was introduced in the House of Commons, by Mr. James Fortescue, the son of the former gentleman, by which all persons who shall take a short oath of allegiance upon *the Holy Evangelists*, are  
 intitled

intitled to all the privileges of natural-born subjects, except being members of the privy council; or of parliament; or of holding any office, civil or military; and under this law, they are exempted from serving in parochial offices for seven years after their naturalization.

The operation of this law is necessarily narrowed and suspended by the alien bill.

In England, it is said, that very few laws have heretofore been proposed for the naturalization of large bodies, or of persons under a general description; of these the most remarkable was, an act passed in one thousand six hundred and eighty-nine, soon after the Revolution, in consequence of the revocation of the edict of Nantz, for naturalizing foreign Protestants, which was afterwards repealed early in the reign of Queen Anne. From a passage in the Journals \* it appears, that Sir Isaac Newton, then representative for Cambridge, was chairman of the committee; and probably was the parent or framer of this law: a circumstance which cannot be too particularly noted, as it is perhaps a single, solitary, parliamentary anecdote of that great ornament of human nature.

\* *Lord Mountmorres's History of the Irish Parliament, v. i. p. 428.*

No. 18. WEDNESDAY, *April 13, 1791.*

*Upon the* PACQUETS *between* WATER-  
FORD *and* MILFORD.

LETTER THE FIRST.

SIR,

THE communication which has been lately opened, by the pacquets which have been established between Milford and Waterford, has been attended with so many advantages, that any improvements which can be suggested, may be well worthy of public attention : upon this subject, I troubled you with some remarks, under another signature, long before their establishment ; \* and I am happy to find, that they have

\* In the Letters of Hibernicus, inserted in the Public Advertiser in 1784-5.

answered,

answered, even beyond those expectations, which I then entertained.

The exertions of the gentlemen in South Wales, and in Ireland, and the countenance of government, to this favourite scheme, have been so well employed, that it is to be hoped, that their labours will be progressive, and that they will perfect this measure: for these reasons, I shall trouble you with a series of remarks upon this important subject; and, if you should think that I have treated it as it deserves, or have suggested any proposition, which may deserve a place in your valuable paper, they are altogether at your service.

In the course of an excursion which I lately made, from this town to Dublin, by Waterford, I was much pleased to find many considerable improvements in the roads; the communication between Gloucester and Abergavenny, which

K

was



was formerly by Michel-Dean, through the forest, has been judiciously carried by Ross---and the road, for nearly forty miles, which was formerly the worst, is now become the best part of the communication between London and Milford; and that part of Herefordshire through which I passed, appeared to me to be the most romantic and beautiful country in this island.

As this part of the road is now become so excellent, and as the shortest and most direct communication with Ireland should be the first object; I could not conceive why the mail should go circuitously, by a dangerous passage over the Severn, near Bristol; or what private interest could suggest this circuitous progress, when the direct road appeared to be so much more eligible in all respects; and the more so, as a branch of communication for the post, might

might be so easily established between Gloucester and Bristol.

In my farther progress, I found the road from Abergavenny to Trecaſtle in a very bad ſtate for upwards of twenty miles, particularly in the neighbourhood of Brecon; but from Trecaſtle to Carmarthen, it has been lately rendered extremely good in all reſpects: the remainder of the road to Milford was very rough, and it had been rendered ſtill worſe by the heavy rains laſt winter.

As there are few heavy carriages in South Wales, and the ſlide cars are ſtill to be ſeen near Milford; the principal defects in the roads ſeem to ariſe from the neglect of carrying off the water judiciously, either by covered drains acroſs, or by trenches on each ſide of the highway: this defect was viſible in

some of the best parts of these roads. Possibly, in England, the greatest improvement in our roads which could be suggested, would be a general broad wheel act ; but in South Wales, and in Ireland, where heavy waggons are seldom seen, forming covered channels across, or on the sides of the roads, and carrying off the water, would, perhaps, be the best method of keeping them in a constant state of repair.

The landing place at Hubberston, in Milford Haven, is very inconvenient, from the want of a pier, similar to that at Passage, near Waterford, where carriages and horses are embarked and landed in Ireland ; it is said, that an act has passed, or is in contemplation, for the improvement of Milford Haven ; but as this want is more immediately felt ; I mention it as an improvement, which, in my humble opinion, should precede every

every other. The property round Milford Haven which belongs to Sir William Hamilton, has not been much attended to, nor have the conveniencies of this communication been rendered so good, as at the landing place near Waterford, through the care of Mr. Bolton; who has built an excellent inn, which is kept in the best order, and where passengers are admirably accommodated.

But, as that gentleman's exertions, and observations upon the farther improvement of this communication, might lead me beyond my usual bounds, I shall reserve them for another letter: I have always wished to contribute to any observation which occurred in my humble sphere to public utility; and, it is a remark of the great author upon "the Wealth of Nations," that the making good roads, and easy communications,



munications, as it is the most obvious, so it is the greatest improvement which can be proposed in any country. \*

[Vide The Crisis, by Lord Mountmorres, second edition, printed for Hookham, Bond-street, p. 108.]

### THEMISTOCLES.

\* In 1758 and 1759, 20,000*l.* was granted by Parliament for improving and fortifying, &c. the harbour of Milford—on which Mr. Anderson, in his admirable Commercial History, makes the following remarks, v. iii. p. 305.

The preamble to *one* act for this purpose states,  
“ That this harbour is more conveniently situated  
“ for fitting out fleets, and stationing cruizers, than  
“ any other harbour in the kingdom; and if properly fortified, would greatly tend to *facilitate*  
“ the naval operations of this country, hitherto retarded, and sometimes entirely frustrated, for  
“ want of such a port of equipment.”

Mr. Anderson adds—Milford is allowed to possess the very best haven in Great Britain, since, from those who have surveyed it, it appears, that  
one

one thousand sail of ships may safely ride there :— it has thirteen roads, sixteen creeks, and five bays, all known by their respective names :—its situation is most happy, clear of the inconvenience so often experienced at Portsmouth and Plymouth, by being without the channel—It is for that reason of such consequence as to overbalance any expense in fortification, &c.

No. 19. WEDNESDAY, *April 20,* 1791.

*Upon the* PACQUETS *between* WATER-  
FORD *and* MILFORD.

LETTER THE SECOND.

SIR,

THE superior advantages which the Waterford Pacquets possess over those of Holyhead; as Milford and Waterford are both open ports; as the passage may be made upon an average in twelve or fifteen hours, since only one wind is necessary to carry them from harbour to harbour, are so decisive; that though the distance from the former to the latter is 85 miles, whereas that from Dublin to Holyhead is only 63 miles; yet

yet the passage is much safer and more certain: as was clearly evinced through the tempestuous winter we lately experienced, when mails arrived constantly through Waterford in Dublin, when six or seven were due from Holyhead: all these advantages being considered, they may justify me in trespassing once more upon yours and the public patience; and I shall continue those observations, in my letter of the 13th instant, upon a scheme which may be easily rendered highly advantageous, mutually beneficial, and where little is wanting to make the communication commodious, complete, and perfect in all respects.

Having, in my last letter on this subject, observed how much is due to the exertions of Mr. Bolton, and the very convenient inn established for passengers near Waterford by this gentleman, I shall only observe, that it were to be



wished that the inns in South Wales were as convenient for the reception of travellers ; since, notwithstanding all the spirited exertions of the gentlemen of that country, there are none to be found so good, in a space of upwards of 100 miles between Milford and Monmouth ; and I shall proceed to consider some improvements in Ireland, which may complete the communication between Waterford and Kilkenny, to the great North and South road in Ireland, which last is lately rendered, since the establishment of a mail coach, as good as that between London and York.

The road which leads from the landing place to Waterford, is now very good ; this is only for five miles ; but the rest of the communication, about 30 English miles, is rendered inconvenient by a ferry, and by the  
 badness

badness of the highways between Waterford and Kilkenny.

Some schemes have been lately proposed for building a bridge over the Suir at Waterford; but as the river is near as broad as the Thames at Blackfriars-bridge, which cost, according to Pennant, 153,000*l.* it can hardly be supposed that so large a sum can be collected in that country. The American undertaker from Boston, who has lately built a wooden bridge at Derry, for ten thousand pounds, it is said, has made a proposition for building a bridge of the same materials and construction, for seventeen or eighteen thousand pounds; but that is also a large sum to be collected: meantime, as the ferry is very inconvenient for horses and carriages, I cannot help thinking that one of those rafts, which are so common, and so well known in

Germany by the name of Ponts Volants, might be adopted, and add much to the ease and safety of this communication.

For, though the Suir at Waterford is a tide river, which rises and falls considerably, yet as these machines are worked and traversed by the current alone; and as the stream flows downwards upwards of sixteen hours in the twenty-four, it follows that two hours out of three they would attain a certain, safe, and easy transport and communication; and travellers might arrange their passage according to the tables of the tide.

These machines, though they were noticed by Sir William Temple \* above a century ago, and their adoption was recommended by him, yet their con-

\* Temple's Works, vol. ii. p. 343.

struction and advantages are almost unknown in these countries.

The road between Waterford and Kilkenny, of about thirty miles, might be accomplished and perfected for about one hundred pounds a mile, or three thousand pounds; yet this sum, however small it may appear in this country, would be difficult to raise in that district, since the whole sum which was raised upon the county of Kilkenny through which it passes, by grand juries last year, was about five thousand pounds, of which two were levied for their county police, and three thousand pounds for roads.

Upon this late institution of a local police, which prevails in five counties in Ireland, and upon the method of raising money by grand jury presentments,



ments, which has superseded the six days labour, and is an institution peculiar to that country, the bounds of this Essay will not permit me to enlarge, further than to remark, that as a sufficient sum could not be raised at once, and as the object in question could only be accomplished this way after a considerable lapse of time, it might be recommended to the Irish Parliament to grant a sum at once, sufficient to complete this great national measure.

To keep this road in a state of repair for mail coaches, would require some attention to local manners and local peculiarities; perhaps removing cottages, or preventing their being built within certain distances from the highways, according to the existing road laws in Ireland, would be the best prevention of certain nuisances which prevail in Ireland, such as digging holes  
under

under the road for collecting water, soaking straw upon the roads, and scraping it afterwards for the purpose of manure, and other savage customs, which spoil the highways in that country, though it may appear too frivolous to describe them.

In countries which are but thinly inhabited, there ought to be constant superintendants; and as the post-office and their agents, the contractors for mail coaches, are most concerned, and must necessarily be constant observers of the state of the roads; this superintendence could not perhaps be vested in better hands; some repairs which demand immediate attention, and where the timely expenditure of five shillings might prevent depredations, which would, if neglected for some time, cost many pounds, might be thus timely and effectually provided for.

Both

Both in South Wales and in Ireland the pavements of the narrow street in many towns deserve particular attention; of the Welch towns in general, like those in Cornwall, the streets are remarkably narrow and inconvenient; and a narrow street, which is the western entrance into Haverfordwest, is very steep and dangerous.

The only apology I can make for this long detail is, that these seemingly trivial matters are of consequence, as they obstruct a general and important communication between these countries. Having dealt so long on them, I shall pursue these particular remarks no further; but in a conclusive letter I shall consider this subject upon general grounds, and hazard some miscellaneous observations upon the probable consequences, and the future beneficial effect which may arise to this country, and

and to this metropolis, by the accomplishment of this very important communication. \*

### THEMISTOCLES.

\* To render this proposition more intelligible for shortening the communication between Waterford and Cork, the particulars are thus briefly repeated.—

Between Dublin and Cork, and between Dublin and Limerick, mail coaches are already established.

As to the former, the coach from Waterford communicates with the Cork and Dublin roads, at Kilkenny.

But it is proposed, that it should communicate at nine-mile house, which would save twenty-two miles.

Because, from Waterford to nine-mile house is but eighteen miles, whereas round by Kilkenny, there are forty miles.

The road, should this proposition ever take place, would pass by Mullinevat, Killeafey, the Fair Park, and Demesne of Castlemorres, and Killmagany, and so to nine-mile house.

In



In this case nine miles of road should be mended, and only two or three miles made anew.

It is to be observed, that the Irish miles are to the English as eleven to fourteen; and the above line, with the said places, may be traced on the common maps of Ireland.

No. 20. WEDNESDAY, *April 27*, 1790.

*Upon the* PACQUETS *between* WATER-  
FORD *and* MILFORD.

LETTER THE THIRD.

SIR,

HAVING troubled you, in my Letters of the 13th and 20th of April, with some propositions relative to the improvement of the roads from Abergavenny to Milford, and from Waterford to Kilkenny, to the great South road between Dublin and Cork; and also with some speculations upon the Ferry at Waterford, with observations upon the Inns in South Wales: I shall  
only

only add, that the ports at Milford and Waterford are not only safe, open, and commodious, but that the five sloops which are employed there fix days in the week, on the packet service, are well found, officered, and manned, in a word, completely appointed. It remains for me to trespass once more upon your patience, and to assign some reasons, or rather conjectures for an opinion, which I have long presumed to entertain, that the accomplishment of a commodious communication in these districts, will completely reward, and exceed the expectations of the promoters and undertakers of this measure.

The effects of this communication are already visible in the neighbourhood of Waterford, and the influence of the capital appears in the exertions and energy, nay, in the neatness and cleanliness of the inhabitants, which have been evidently increased within  
the

the last five years, since these packets were established.

The course of exchange, and of intelligence, has been directly communicated from this metropolis to the South of Ireland, which formerly passed circuitously through Dublin. If a tour of pleasure should be proposed, none can answer better than that, which leads through beautiful romantic scenes in the vicinity of Ross, of Monmouth, of Treacastle, of Landilo, and Milford Haven; and through Waterford to the Lake of Killarney: if business should be in contemplation, the direct communication from London to Cork, the first commercial city in Ireland, and the great emporium of the provisions for our fleets and armies, must be important.

Let me add, that it may lead to that great event; which, when we regard the interests of the eight millions of inhabitants



bitants in England and Wales ; and, of three millions and a half, which have lately been proved, with a reasonable approximation to truth, to be the population of Ireland, may be the best arrangement for their mutual welfare ; I mean, the legislative incorporation of these countries.

A cursory view of the progressive power of those nations which are now the most considerable in Europe, will prove, that they have increased in proportion to the systems of combination which have taken place, and the union of various districts in different periods : Spain, by the union of the crown of Castile and Arragon, and the annexation of Grenada to that monarchy ; France, by the addition of Brittany, of part of Burgundy, and Franché Comté to that crown : and England, by uniting the heptarchy under Egbert---by the legislative incorporation of Wales, in  
the

the reign of Henry the Eighth; and, in later days, of Scotland: and whenever the people of England and Ireland shall consider it to be their real interest; they will also in all human probability coalesce and incorporate.

But, before truth shall have made its slow and gradual progress, all propositions to that effect would be idle and premature: and the more so, as many strong and rooted prejudices are still to be encountered in both kingdoms.

In the mean time, approximating these countries by a facility of communication; rendering the manners of their inhabitants similar by familiar intercourse, increasing their connections, their habits, necessities, and obligations, must promote that great event; which is probably in the womb of time, and accelerate its accomplishment.

Perhaps,

Perhaps, to some men, these speculations may appear to be too extensive, remote, and fanciful; but it is certain, that the improvement of the communication in question will tend to increase the influence of the metropolis, and to make London the capital of the South of Ireland.

That this will be the tendency of improving the communication between these islands, is obvious for many reasons, too numerous to detail; and, in an ingenious tract relative to the Irish propositions; it was foretold by an author, remarkable, and almost proverbial, for his political foresight; nor did the observation escape the penetration and sagacity of the Dean of Gloucester. \*

#### THEMISTOCLES.

\* In the year 1776, two or three passage boats were established by Mr. Wyse, to ply between Milford and Waterford; great convenience resulted from this commu-

communications ; but though the gentlemen both in Ireland and South Wales were so much benefited, it is to be feared that Mr. Wyse, like most projectors in the first instance of public spirited undertakings, has been a great loser by this undertaking.

It was from an ample experience of its utility, that the Author was induced to write several Essays upon this subject, in 1784, which appeared in the Public Advertiser, and he has never since lost sight of this object.

Convinced that he who displays useful truths for public benefit ; resembles the planter of an acorn in a good soil, which may become in time the ornament and bulwark of nations.

But it is to be lamented, that some disagreement has lately taken place between the present contractor for the packets, and the post-office—and that a system upon which so much depends, should be likely to fail from a want of due encouragement.

Since these Letters were written, in April 1791, some very material alterations have taken place :—a new inn has been built at Milford ; and it is designed by a most respectable association in South Wales ; to improve and shorten the road between  
 L London



London and Milford, by carrying it through Oxford, Worcester, Abergavenny, and Haverford West, to Hubberston.

It is conceived, however, that a quay, or convenient pier, for landing horses and carriages, is still wanting at Hubberston; the cost of which would soon be compensated by the number of passengers from Ireland; if one similar to the pier at Passage, near Waterford, from whence the packets sail, were built at Milford Haven.

In Ireland they have built a wooden bridge over the Suir at Waterford, for 10,000*l.* the work of an American architect, over a tide river, as broad, and deeper than the Thames at Blackfriars:—a work, which emulates in cheapness and design, the most celebrated public works in these islands.

The grand project to accomplish these schemes, and carry the whole plan into execution; would be to form a direct correspondence between London and Cork, and also with Limerick.

To this effect, a road should be made from Mullinevat, through Killmagany, to nine-mile house, about eleven miles, the nearest point of the great road between Dublin and Cork, where mail coaches are already established; which would save  
half

half a day's journey, as stated in the foregoing Letters.

And a new road should also be made, about ten miles from nine-mile house, to the nearest part of the road, where mail coaches are now established between Dublin and Limerick,

The whole, therefore, that is now wanting, is to make a good road of twenty-one Irish, or about twenty-seven English miles, to accomplish a direct communication between this capital, and the principal towns in the South of Ireland.

It has been calculated that this scheme might be effected, for two thousand five hundred pounds judiciously expended:—but, from the system of making roads in the different counties in Ireland, so different from that of England, it might be difficult to raise such a sum upon a particular district.

This subject will be best explained by referring to the Irish Parliamentary History, v. i. p. 180. and to the annexed note of the sums raised upon the several hundreds, or baronies, as they are called in Ireland, for the county of Kilkenny, in 1780.

The following is the account of the money raised by grand jury presentments in 1780, for roads in the county of Kilkenny.

The baronies, or hundreds, through which it is projected that the above roads should pass, are marked with an Asterisk.

LENT ASSIZES, IN 1780.

	£.	d.	s.
County at large	203	5	2
Barony of Gowran	1001	15	2
— Cranagh	311	10	4
— Fassadinen	149	18	4
— Ida	324	11	0
— Gallmoy	208	2	8
— Kells	243	19	0
— Shillalagher	236	5	2
— Iverk	304	3	0
— Knocktopher	420	18	6
— Callan	17	10	0
Total	3421	8	1

N. B. All money for roads are levied by a law in 1759, on each barony.—Taxes for bridges, come under the first head, and are rated upon the county at large.

In 1785-6 a county police was established for the county of Kilkenny, (and five or six southern counties,) which is estimated at about two thousand pounds per annum; so that the whole charge levied

vied by the grand juries, &c. for local charges on that county, amounts to between five and six thousand pounds.

This local police has had an admirable effect in preventing white boys, and restraining every species of disturbers of the public tranquillity.

This excellent plan of rural jurisprudence, was supposed to have been traced from a posthumous work of that great and good man, the Lord Chief Justice Hale.

A circumstance, which was particularly noticed, by the author, in a speech in 1786, during the administration of the late Duke of Rutland, when this law was under parliamentary consideration.

It is to be remarked, that by a law in 1759, each barony is to bear its own charge, and the road money is to be laid out in that district only;—and, therefore, the three baronies are noted in the above note, through which such a road would pass.

Thus circumstanced, the Author made a proposal (if the scheme of running a mail coach in that direction should take place) to make eleven miles of the road which runs through his property, for a limited sum, calculated as above, at one hundred pounds a mile



mile—and to build an inn also, if necessary, at his *own expense*, near Castle-Morres—thus to accomplish the communication between Mullinevat, and nine-mile house, on the great Cork road: leaving the rest of the scheme towards the Limerick road, to be carried through by a public grant from parliament.

But to revert to the consideration of the Milford packets: their superiority over every other passage between these islands, appears from recent circumstances.

The intelligence of the arrival of the French fleet off Cape Clear, had a priority of forty-eight hours over the government dispatches, from Dublin by Holyhead; and these packets have seldom been kept in port, by contrary winds; while there have been lately, on the 25th of January, 1795, seven and nine packets due from Dublin;—they may be truly said, therefore, to have treble the advantage over the latter—or to speak with more precision, to be in an *inverse ratio*, as two to five.

As is evident from the following tables, extracted from the Oracle and Public Advertiser.

WEDNESDAY,

WEDNESDAY, Jan. 21, 1795.

## MAILS.

*Arrived.**Due.**Foreign.*

o Holland

1 Holland

o Corunna

*Irish.*

o Dublin

7 Dublin

5 Waterford

1 Waterford

MONDAY, Jan. 26, 1795.

## MAILS.

*Arrived.**Due.**Foreign.*

o Holland

1 Holland

o Corunna

*Irish.*

o Dublin

9 Dublin

2 Waterford

2 Waterford

To conclude—From the excellence, convenience,  
and capacity of its port—the size and safety of  
its harbour—the depth of the river Suir, navigable  
for many miles up the country—the fertility of the  
neighbouring soil, on both sides of that river, and  
the great *capability of improvement*, as well as from  
its

its being *nearer to London* than any other Irish city: the communication with Milford in a direct line, being unobstructed by high hills, large rivers, ferries, &c. that are so inconvenient in North Wales; and the passage from thence being free from shoals, bars, or tide harbours, like those between Dublin and Parkgate, &c. &c. Waterford must be allowed to possess great and supereminent advantages; greater than those of any other city in Ireland.

Of these striking advantages, it is said; that that wonderful and discerning man, Oliver Cromwell, was so sensible, when he landed *there* in 1650-1, that he formed a design to make Waterford the center and seat of his Irish government, and the [capital of Ireland.

## APPENDIX.

## CHARACTER

OF

## DR. FRANKLIN.

**F**EW men have gained universal celebrity from such an origin. The principal conductor of the American Revolution had been a journeyman printer in Philadelphia. Such are the destinations of that Providence, which has ordained the production of an oak from an acorn.

A

Dr.



Dr. Franklin came to London in 1726. The love of science can be traced from this early period, though he appeared here in the line of his business. He had procured letters to, and was well received by Mr. Folkes, afterwards President of the Royal Society, and through him knew Dr. Clerk. He was not, however, gratified with a sight of his friend, which he often lamented, and which he had laboured to obtain: great age and increasing infirmities prevented an introduction to Sir I. Newton.

Of his origin he made no secret. In a conversation at Paris, in company with the Comte D'Aranda, and the Duke de la Rochfoucault, he replied to an Irish Gentleman\*, who had asked him some questions about America, and particularly about the state of the paper manufactory there, " Few men can give you more information on that subject than

\* The Author.

myself,

myself, for I was originally in the printing trade."

The principles and qualities of Electricity were scarcely known in the last age. The Electric Fluid was barely mentioned at the end of Newton's Optics. It was reserved for Franklin to investigate its properties; and of that branch of science he may be considered as the father. Theory was advanced to practice and utility, by the invention of the CONDUCTOR.

Nor were his observations confined to this science.—There were few subjects of common utility, upon which he did not comment; none which he did not improve and illustrate; of which, his Advice to Servants—to Tradesmen—to Settlers in America—on the cure of Smoaky Chimnies—Rules for Clubs and for Conversation—Maxims to convert a Great into a Small Empire, written with

the caustic spirit of Swift, abundantly prove. To be generally useful, that he might be universally celebrated, seemed to be his ruling principle.

The memories of the aged are not supposed to be retentive. The truth, however, seems to be, that the tablet of the memory becomes callous at a certain period; nor is it susceptible of new impressions, and particularly of verbal knowledge. Franklin was an exception to this rule: he acquired French after seventy; he spoke fluently, and even scientifically in that language.

Science is seldom noticed by the votaries of fashion; but Dr. Franklin, in his French Embassy, became the Ton, the fashionable topic of modish conversation—the ladies had hats à-la-Franklin, and crowds of belles and beaux fluttered after him in the garden of the Thuilleries.

In society he was sententious, but not fluent, a listener rather than a talker; an informing, rather than a pleasing companion; impatient of interruption, he often mentioned the custom of the Indians, who always remain silent some time before they give an answer to a question, which they have heard attentively: unlike some of the politest societies in Europe, where a sentence can scarcely be finished without an interruption.

It is a testimony to truth, and bare justice to his memory, that he used his utmost endeavours to prevent a breach between England and America---His Parliamentary examination in 1766---all his conversations till 1775, had the same benign tendency---Had his councils been followed, he would have proved a friend indeed to this country.---From the period of the well-known abuse be-



fore the Council, he entertained a most ardent resentment; too often the ex-  
crescence of great minds.---Politeness  
and moderation could not restrain the  
most pointed and bitter sarcasms against  
the conduct of England in mixed com-  
panies;--- and it is remarkable, that  
when the ship in which he sailed last to  
America, had touched at Portsmouth, he  
was requested to refresh himself on  
shore; but he declined it, saying, he  
had resolved never more to set his foot  
upon English ground.

Let a veil be drawn over that un-  
happy difference; it is certain that  
Franklin foretold all the consequences,  
with an almost prophetic sagacity.---The  
conduct of that war, it may now be  
said, was worse than the principle---di-  
rected as our Councils were by that  
man who disgraced our arms on the vic-  
torious plains of Minden --and who dic-  
tated

tated from his closet, across the Atlantic, military operations in the wilds of America.

The testimonies of Franklin's merit were conceived in the highest strain of panegyric: In the year 1777, Lord Chatham adverted, in a remarkable speech, to his dissuasive arguments against the war, and to the sagacious advice of the American Newton.

Upon his reception in the French Academy, D'Alembert, the friend and correspondent of Frederick the Great, welcomed him with that well known line which revived the boldness and the sublimity of Lucan---

*Eripuit cælo fulmen, sceptrumque tyrannis.*

The Congress of America have enjoined a general mourning, and public gratitude has celebrated his obsequies; Science shall hereafter record the name

of Franklin in the truest registers of fame; that fame, which is ever just to the dead; however unjust it may be to the living, from caprice, from the malevolence of party, or from the fulsome adulations of baseness and of servility \*.

\* The Public may shortly expect to be gratified with the highest **INTELLECTUAL** entertainment, from the **GENUINE** publication of the life of this great philosopher, by his grandson, Mr. Franklin.

It is comprised in a series of letters, commencing in 1771, to a friend. In the Preface, Dr. Franklin makes the following remark: "Having attained  
"affluence and celebrity, from indigence and ob-  
"scurity, in my early days, I own I should not  
"be sorry to obtain a favour, denied to mor-  
"tals, viz. to repass the road of life, and live over  
"again, provided I were allowed the privilege of  
"an author, to make amendments in the **SECOND**  
"EDITION."

From the friendship he early had, and the esteem he shall always retain for the memory of this great man, the Author was favoured with a sight of the manuscript, at Paris, in 1791, in Dr. Franklin's handwriting, which was remarkably good; a quality which Newton also possessed in an eminent degree.

CHA-

## CHARACTER

OF

MR. MALONE.

**M**R. MALONE was called to the Irish bar, where the abilities of his uncle, the right hon. Anthony Malone, had shone with such unrivalled lustre; and he had early given hopes of his being the successor to his character and reputation.

Common accidents often give habits and dispositions which pervade our lives. From his youth he had a turn for theatrical compositions and representations. Some plays had been acted at a private school where he was educated, previous



to his admission in the University of Dublin. Jephson, the author of Braganza, as well as Malone, acted in those representations, which were superintended by Macklin.

Whether his diffidence did not allow him to think himself qualified for a situation where so much was expected, or whether such labour and drudgery were not adapted to a mind devoted to the Belles Lettres, he soon quitted the bar. Possibly a competent fortune left him by his father induced him to follow his own inclination, and to devote himself to science.

Of his edition of Shakspeare, of his labour, minute accuracy, and subtle investigation, too much can scarcely be said. Mr. Malone has that happy combination of good qualities, so concisely  
but

but happily expressed in Dr. Barrow's epitaph,

*Summa Eruditio, Par Modestia.*

Upon the merits of the various editors of Shakspeare, who can confidently decide, while the names of Pope, Johnson, and Stevens, stand in competition? Perhaps it may be said with truth, that Mr. Malone is the best biographer of our immortal bard.

Johnson's Lives of the Poets, and Sheridan's Life of Swift, which are now detached from their respective editions, are universally read and approved. If Mr. Malone's History of the Drama were printed separately, in a fair practicable character, it would be a valuable present to the learned world; and if it were continued to the present time, it would be still more acceptable.

Mr. Malone would then appear as an original author, and as Shakspeare's best biographer.---The labours of the editor do not always attain that praise, nor meet with that compensation, which they deserve. While originality claims admiration, the genius of Pope employed in editing Shakspeare, appears like the skill and mastery of a Raphael occupied in cleaning a portrait.

A CHA-

## A CHARACTER

OF THE LATE

HENRY FLOOD, Esq.

BY A PARTICULAR FRIEND.

**MR. FLOOD** was the son of the right hon. Warden Flood, chief justice of the King's Bench. After having been at a private school, and for a short period in the University of Dublin, he was sent to Oxford, where he had the peculiar advantage of being consigned to the care of Dr. Markham, the present archbishop of York, who was not only his college, but his private tutor.

For



For this dignified and invaluable character, he always preserved the greatest regard and respect. He never spoke of him but in terms of veneration, and it was supposed that he was under political obligations to the archbishop, who had considered him as the most promising of his pupils.

Mr. Flood, in his youth, had been uncommonly handsome, and his countenance had almost the bloom and the traits of female beauty; but the neglect of the consequences of a connection with one of the most distinguished of the Gyprian corps at that time, had produced such ravages, that it had entirely changed his appearance; a circumstance which would not have been noted here, if it did not afford a most useful and important example to youth, of the effects of a false modesty, and the fatal consequences of not applying for timely succour,

succour, against that melancholy scourge of human nature.

His subsequent passion for intellectual labour, was supposed to have been produced by this accident. Though it will not be allowed by the ladies, it may pass for a general maxim, that men of great abilities are seldom handsome. The first orator, and the first general of Rome, are said to have been of ill-favoured countenances ; the former has been supposed to have derived his cognomen from the cicor or wen by which his face was blemished—and it was the boast of the latter, that he had covered his baldness with laurels.

Mr. Flood came into Parliament in the last year of the late reign, for the county of Kilkenny, in the room of the earl of Besborough ; and in 1761, for the borough of Callan : during two sessions, which were then biennial, he was  
a silent

a silent member.---In 1763, he commenced a most eloquent and brilliant career, for a period of ten years---during which time, no man, Lord Chatham only excepted, produced a greater effect in a public assembly.

As a public speaker, Mr. Flood, however, had many defects---his voice was inharmonious, and his dialect provincial; a peculiar cadence often rendered the latter part of his sentences indistinct, and almost inaudible; a defect too common in public speaking, except upon the stage; his action was ungraceful; he spoke in short sentences, and often paused long at the end of an antithesis, that he might look round the House, and see what effect it had upon his audience; as if he was soliciting their applause.

But, with all those defects, candour must acknowledge, that he was one of  
the

the first speakers which that country has produced. He never spoke without ample preparation, his speeches always applied to the subject in debate; they were never tedious, or prolonged by a repetition of phrase, or of argument; his style was dignified, classical, and often sublime; his eloquence was close and argumentative, but occasionally diversified by a brilliant wit, by the most elegant metaphors, and the happiest classical allusions. Though his introductory speeches were generally and evidently arranged, and premeditated, yet, he always rose, and was greater in extempore replies. Conscious of a happy facility of thought and of expression, he was often disorderly, in speaking several times in a debate; but this breach of forms and of orders, afforded such delight to his audience, that it was pardoned and allowed.

In



In the commencement of the American war, having indulged his fancy in one of those prophecies, which were then common, but which experience has since proved to be so erroneous, relative to the ruin of this country by the loss of America, Mr. Flood said, " Destruction shall come upon the British empire, like the coldness of death; it shall creep upon it from the extreme parts:" and in speaking of the conduct of Lord Chatham upon the Stamp Act, and alluding to a passage in Thucydides, he introduced the following beautiful episode:---

" Illustrious man! to whose tomb  
 " posterity shall come and say, as Peri-  
 " cles did over the bodies of his deceased  
 " fellow-soldiers---You are like to the  
 " Divinities above us---you are no  
 " longer with us, you are known only  
 " by the benefits which you have con-  
 " ferred."

Not

Nor were his powers limited by a ferocious style, but often digressive and familiar. He excelled also in raillery, in ludicrous sarcasms, and pointed satire, in those replies, which were frequently too severe and too personal.

The brilliant part of Mr. Flood's life was from 1763 to 1774; at which last period he accepted the lucrative sinecure of a vice-treasurer of Ireland. For six years he was almost silent in Parliament, till 1781, when he resigned his office, and appeared once more as a formidable opponent to Administration.

But, in the exertions of this last stage of his public life, it was evident that the ardour of his imagination, and the fire of his eloquence, were considerably abated; though he was still an excellent reasoner, and a powerful debater. Finding that Fortune, like other females, had favoured a younger rival, in the person  
of

of Mr. Grattan, he turned his thoughts, too late in the day, to the British Parliament.

The disappointment that was created in the House of Commons, in 1783, by his speech on the India Bill, is well known, and the bon mot of a Noble Lord, then high in office, in reply to Mr. Flood's assertion of his independence, "that he had spoken as an independent man indeed----independent not only of friends, but of information."

And here we must pause for a moment--upon matters which are difficult to explain--upon his success in the Irish, and his failure in the British Parliament;--but, it should be remembered, that the abilities of men, like the beauty of women, are often journaliers, uncertain, and varying from day to day;---that Mr. Flood's life had been a political

cal storm ; that he had stood two expensive county elections ; and had engaged in a long and fatal borough contest, in all which he was unsuccessful ; that his health, his delivery, and his powers were then upon the decline ; and that he encountered increasing difficulties in a new scene, with decreasing talents and faculties.

In private life, Mr. Flood was captivating ; his conversation was easy, polite, and instructive ; always mindful that every man should have his just share of the colloquial banquet, he bore his faculties meekly (to use Shakspeare's phrase) entered into no long narratives, and avoided all tedious arguments. In the early part of his life, he was social and hospitable ; he lived in a pleasing intercourse with an amiable association of the first people in Ireland, and the most distinguished for their rank and abilities, whom he neglected in the evening



evening of his life, and experienced the necessary consequence, notwithstanding his acknowledged abilities; to be more esteemed and admired, than regarded or beloved.

Mr. Flood had early translated the Crown Orations of Æschines and Demosthenes; and composed a poem upon the Discovery of America. His printed speeches against the French Treaty, and upon a Parliamentary reform, were able; and it is supposed he has left several miscellaneous productions.

He was, certainly, a man of great public spirit, and of an enlarged and liberal mind. His ruling passion for fame predominated in his last moments, by the reverfionary bequest of his whole fortune to a learned seminary;—a bequest which none but the interested can disapprove. It is a duty to provide for an amiable partner, or for immediate heirs,

heirs, in the most ample manner. The first duty he has fulfilled; but where the last are wanting, that testamentary disposition, which is the most diffusively beneficial, is the most praise-worthy.

One quality, which never can be over-valued, Mr. Flood possessed in a very eminent degree;---a love of truth pervaded his conduct and conversation in public and in private life; and an aversion to that flattery which is so nauseous, and to that exaggeration which is so disgusting to liberal and informed minds. Of his fortune, which was very ample, nor of his abilities, which were so highly estimated in that country, he never boasted. He was desirous of being esteemed and regarded for what he really was; more than that, he neither sought nor expected.

Agreeable to this last principle, this hasty, perhaps inadequate sketch of the character

character of a man who appeared upon the political theatre with such eclat, has been drawn ; and in conformity to his own favourite maxim, *de mortuis nil nisi VERUM.*

A SPEECH DELIVERED

ON THE 19TH OF FEBRUARY, 1789,

*Upon the Question of appointing*

A R E G E N T,

WITH UNLIMITED POWERS,

IN THE

HOUSE OF LORDS OF IRELAND,

BY THE

Right Hon. LORD MOUNTMORRES.

F. R. S.

Μὴ μὲν ἀσπίδει γέ, καὶ ἀκλειῶς ἀπολοῖμην,  
Ἄλλὰ μέγα βέξας, τί καὶ ἰστομένοισι πυνθέσθαι.

HOMER.



RECEIVED  
ON THE 10TH OF FEBRUARY 1883

1700

~~SECRET~~

WITH UNLIMITED POWERS

the day.

---

## P R E F A C E.

---

**SOME** gross misrepresentations in the public prints in Ireland had been the cause of the publication of this speech.—A shameful propensity had pervaded newspapers, to falsify and to misrepresent every fact that did not answer the purpose of faction, and which appeared to contradict the whim of the day.

The truths contained in the following speech will be of lasting use; as the names, dates, and appointments, of all the Regents since the Norman conquest, are accurately compiled from the Parliamentary Reports in England, and will be highly serviceable if that question should ever be revived.

The reflection with regard to the public papers has a reference only to Ireland, where the speech was originally published: generally speaking, the greatest liberality pervaded the public prints in this country at that crisis, insomuch, that it is a fact, which recollection or examination may abundantly verify, that some important information, and many leading examples, are to be traced in essays and paragraphs before

fore the meeting of Parliament in November, 1788, in one of the best of them, namely, The Public Advertiser: an assertion, which is made upon the belief and personal conviction of a lover of truth.\*

So far was the individual who delivered this speech from wishing to avail himself of any exigency of the State, that the expediency of a prorogation of the Irish Parliament was suggested, which was in the power of the minister who presided in that country, by his patent, till the great question was decided in England: Time, the great discoverer of truth, has proved that opi-

\* This alludes to the antecedent series of Essays, under the signature of THEMISTOCLES.



nion to be too well founded. The doctrine of the possibility of a different executive power in these countries, established by a majority of the Irish Parliament, and a formidable opposition, which arose from the deputation of the Irish Commissioners, were the consequences of their meeting, a fortnight before matters were happily settled in England.

The contrary advice and the measures adopted in consequence of it, might, perhaps, have been useful and profitable to some individuals, but they were inimical to the interests of administration, and to the welfare of these kingdoms.

A SPEECH

**S P E E C H,**

**&c. &c.**

**MY LORDS,**

**I** AM extremely sorry that an accidental infirmity\* should compel me to ad-

\* The infirmity here alluded to was a fractured leg. Neither this speech, nor the subsequent motion for postponing the proposition till the great question was decided in England, would have been made in such a situation, had it not been for the urgent desire of Lord Lifford, the late Irish Chancellor, of whose general character and honourable conduct upon this occasion too much cannot be said; nor can the fatal consequences of his exertions in these laborious debates, to himself, be too much regretted and lamented.

drets myself to your Lordships from my seat: but the crisis is most important, and I have the vanity to think that I can produce some important materials, not yet known in this country, which the English Parliament have collected upon the subject of Regencies with great care, much industry, and vast labour, from the most remote records. Those materials, I find, have never been published, nor considered in this country. ---I shall always consider any man who adds a single important fact to the national stock of information, as a public benefactor; for, facts shall be considered when flights of fancy and turns of expression shall be no longer intelligible: and I am to thank Heaven that the grave has not closed upon me; before I can render this farther service to my country.

I conceive that the only case adduced as analogous to the present Address is  
that

that of the Revolution ; but in that case, the Convention Parliament had previously declared the Throne to be vacant, before they had addressed the Prince of Orange to assume the government. Judge Blackstone has said there were only three ways by which the Throne might become vacant---by death---by desertion, as in the case of King James the Second---or by a King becoming a monk.---None of those cases apply to the present exigency. The Crown remains on the head of our gracious Sovereign; nor is the Throne pretended or argued to be vacant.

Under these circumstances I can never assent to a proceeding which is unprecedented in England, in Ireland, or even in France, when she had a free Parliament. The regular mode of proceeding has been to create a R<sup>e</sup>gency by act of Parliament; therefore an address is



premature, and it is to be considered as a mere manœuvre of a party to get their friends into power, and to answer their own purposes.

I consider that a change of Administration would be a national misfortune. The People of England daily testify their regret at losing their Minister; and the name of the younger Pitt is as dear to the English, as that of the younger Cato or the younger Brutus was, to the Roman people.---Mr. Pitt has raised a drooping country to be once more pre-eminent in Europe, as I have experienced when I was in Portugal, and other places abroad, last winter. The customs of the port of London have risen one third in his administration, and have amounted to the enormous sum of near five millions annually, as appears from official documents in the Public Advertiser.

I think,

I think, with the People of England, that the conduct of those who may probably come soon' into power does not entitle them to public confidence ; the People of England, like a wise individual, wish for an honest steward, and do not like to see their affairs in the hands of men of a different description ; the funds have fallen, and public credit has shrunk from their touch like the sensitive plant.---Though it is true, that for one in the ranks of Opposition, who has, it is said, the principal management at Carleton House, and the principal management of the concerns of the party, I have a great esteem and regard on account of his father, (my worthy friend) the late manager of the Dublin theatre, to whom our language will owe eternal obligations.

I am surprised to find that some family claims have been made upon me ; but although I never asked the Duke of

Portland, or intended to ask him, for any favour, I saw a paragraph in a paper under the influence of Government, in 1782, stating, with my name at full length, that I should have been the principal object of the favour of that party, had I not disqualified myself for office by not residing in this country. I considered this as a dereliction of party honour. In consequence of an explanation upon the subject, I sent a message by a noble relation of mine in England to the late Marquis of Rockingham when he was Minister: and I requested it as a favour that I might not be considered as connected with his party.

I shall take up the question of the appointment of Regents from the Norman Conquest; but, your Lordships need not fear that I shall trespass long upon your patience. I have not learned to make long speeches unnecessarily—my ambition is to comprise much matter in a small

small space---my labours have been long, that your usual attention may be justly respected.

From the most brilliant examples, from a predominant taste and fashion for protracted harangues in the British Parliament, I have not yet learned to transgress, nor to tire the patience of a public assembly; I should as soon wish to vie with, or to emulate, a speech of four or five hours long; as I should to imitate the poetaster in Horace, who could repeat two hundred verses standing upon one leg.---*L'art d'ennuyer, est l'art de tout dire.*-- The art of tiring a public assembly is the art of saying every thing that may be said upon a subject. Private conversation or public debate are banquets, where every guest has a claim to a portion; and he must be an unwelcome visitor, who should have an appetite to monopolise, and consume the greater part of the banquet.

My



My Lords, I have thought, that if there was any legal principle, any legal analogy, which intimated in whose hands the Regency should be placed, it was not in the successor to the throne, but in the great officers of state: because, in very ancient times our Constitution prescribed a principle of regal deputation, and vested this trust of occasional vicegerency, in a great law officer.

As this circumstance is now mentioned for the *first time* in debate; your Lordships will excuse me if I should dwell upon it and cite my authorities.

This officer was the Grand Justiciary of England. Sir Henry Spelman, in his Glossary, under that title, after detailing his judicial powers, has the following sentence at the end of the article, of which your Lordships will please to accept of my translation:

“ Nor

“ Nor was the authority of this great  
 “ officer bounded by these judicial pow-  
 “ ers above mentioned; but in the oc-  
 “ casional absence of the King he sup-  
 “ plied his place as vicegerent, regent,  
 “ or deputy king. This appears from  
 “ five appointments before the reign of  
 “ Edward the First, and from the 17th  
 “ chapter of King John’s Magna Char-  
 “ ta—‘ We, or, if we should be beyond  
 “ seas, our Grand Justiciary, shall send  
 “ justices of assize twice a year through-  
 “ out all England.” \*

Those, my Lords, who wish to see an  
 historical account of this great officer,  
 will find it in Lord Littleton’s History  
 of Henry the Second, under the title of  
 The Great Lawyer Glanville: and Dag-  
 dale, in his list of the Judges, in his  
 Origines Judiciales, confirms this opi-  
 nion of Spelman. According to him,  
 the last that held this great office was

\* Spelman’s Glossary, title Justiciarius.

Philip

Philip Basset, appointed in the 45th year of Henry the Third, and the office ceased under our English Justinian, Edward the First.\*

Persons of various ranks and descriptions have been appointed Regents by Kings and by Parliaments—the Regency of England never was assumed or usurped but twice, by the Earl of Pembroke, and by Cromwell, and never was claimed as a matter of right by any successor to the throne; consequently the claim lately set up in the House of Commons of England was the mere product of fancy and imagination—of the dreams of ambitious or designing men, unsupported by the shadow of an example, in the annals of Great Britain, since the Norman Conquest. This is the language of the most authentic documents, of the Reports of the English Parlia-

\* The functions of the grand justiciary were then divided, among those great officers of state, who now form the cabinet council.

ment,

ment, built upon the everlasting and recorded evidence of truth.

I shall proceed to read the list of Regents from the Conquest without any farther preface—the four first are from Spelman; six others from Rymer, Hume, and Tindall; and the rest from the Reports of the Lords and Commons of England. No pains have been spared to make the names, dates, and appointments, as accurate as possible.

1076. 10 W. I. Earls of Hereford and Kent, Justiciaries and Regents.—Appointed by official prerogative.

1189. 34 H. II. Earl of Albemarle and Bishop of Durham, Justiciaries and Regents.—By official prerogative.

1190. 1 R. I. Bishops of Durham and of Ely, Justiciaries and Regents.—By official prerogative.

1203. 4 John. Bishop of Winchester, Justiciary and Regent.—By official prerogative.

1216.



1216. 1 H. III. Earl of Pembroke, Marshal of England, Regent.—Assumed, but afterwards confirmed by the Barons at Bristol.

1220. 4 H. III. Robert De Burgo, Regent.—As Grand Justiciary.

1253. 37 H. III. Richard Earl of Cornwall, with a Council.—By the King.

1279. 7 E. I. Earls of Cornwall and Lincoln, Bishops of Worcester and Hereford, Lord Lieutenants and Regents.—By the King.

1285. 13 E. I. Earl of Pembroke, Regent.—By the King and Council.

1297. 25 E. I. Prince Edward, Lord Lieutenant.—By the King.

1310. 4 E. II. Earl of Lincoln, Guardian of the Realm.—By the King.

1311. 5 E. II. Earl of Gloucester, Guardian of the Realm.—By the King.

1320. 13 E. II. The Earl of Gloucester, Regent.—By the King.

1326. 1 E. III. Earl of Lancaster, Regent, with a Council of twelve Lords.—Appointed by Parliament.

1329. 3 E. III. Earl of Cornwall, Guardian of the Realm.—By the King.

1331. 5 E. III. John de Eltham, Guardian of the Realm.—By the King and Council.

1338. 12 E. III. Edward Prince of Wales, Guardian of the Realm.—By the King.

1342. 16 E. III. Edward Prince of Wales, Guardian of the Realm.—By the King.

1345. 19 E. III. Lionel Duke of Clarence, Guardian of the Realm.—By the King.

1346. 20 E. III. The same re-appointed.—By the King.

1359. 33 E. III. Thomas Duke of Lancaster, Guardian of the Realm.—By the King.

1372. 46 E. III. Richard, son of the Black Prince,\* Regent.—By the King.

1377. 1 R. II. Earls of Leicester and Gloucester, Regents, with a Council of nine Lords.—By Parliament.

1395. 18 R. II. Edmund Duke of York, Guardian of the Realm.—By the King.

\* This appointment of a minor Prince to be Regent, who appears himself to have commenced his reign under a Regency, appears very extraordinary: possibly it was a compliment to the Black Prince, who died about that time; or it may be a melancholy proof of the declining state of Edward the Third's abilities, in the latter part of his reign.

1397. 20 R. II. Edmund Duke of York,  
Guardian of the Realm.—By the King.

1415. 3 H. V. John Duke of Bedford,  
Lord Warden of England.—By the King.

1419. 7 H. V. Humphrey Duke of Gloucester,  
Guardian of the Realm, with a Council.  
—By the King.

1421. 9 H. V. John Duke of Bedford,  
Guardian of the Realm.—By the King.

1422. 1 Hen. VI. Humphrey Duke of Gloucester, Protector and Lord Warden of the Kingdom in the absence of his brother, the Duke of Bedford, in France.—Appointed by a commission under the Great Seal from the minor King, who appeared as a child in his mother's lap, according to Prynne, in Parliament.

1430. 8 H. VI. Humphrey Duke of Gloucester, Guardian of the Realm, with a Council.  
—By the minor King under the Great Seal.

1453. 32 H. VI. Richard Duke of York, Protector, with a Council.—By the King and Parliament.

1455. 34 H. VI. Richard Duke of York again Protector.—By the King and Parliament.

1475. 15 Ed. IV. Edward Prince of Wales, Protector.—By the King.

1483. 1 Ed. V. Richard Duke of Gloucester, Protector.—By the Council.

1492. 8 H. VII. Arthur Prince of Wales, Guardian of the Realm.—By the King.

1513. 5 H. VIII. Queen Catherine of Arragon, Regent.—By the King.

1544. 36 H. VIII. Queen Catherine Par, Regent.—By the King.

1544. 36 H. VIII. A similar commission to the same Queen.—By the King.

Sixteen executors were appointed by Henry the Eighth's will to act as Regents in the minority of Edward VI.—Under two acts of Parliament, 25 H. VIII. c. 22. and 28 H. VIII. c. 7. who appointed, in 1547, 1 Ed. VI., the Duke of Somerset Protector.

1547. The Duke of Somerset, Protector.—Chosen by the said executors, 1 E. VI.

1551. 5 Ed. VI. The Duke of Somerset was succeeded by a Council, who had been named by himself, at the head of which was the Duke of Northumberland.



1690. 2 W. and M. Queen Mary was appointed Regent in the King's occasional absence during her life.—By act of Parliament 1 \* and 2 W. and M. chap. 2.

1695. Lords Justices.

1696. Lords Justices.

1697. Lords Justices.

1698. Lords Justices.

1699. Lords Justices.

The above five were appointed by King William under the Great Seal.

1714. Seven great State Officers who acted with eighteen Commissioners appointed by the Elector of Hanover, in a sealed instrument deposited with his envoy, the Baron Bothmer, to be opened upon the Queen's death; who enjoyed the full Regal powers in August and Sep-

\* This last instance of the appointment of a Regent in the life of a King by Parliament, originated from the following extraordinary circumstance:

The Sovereignty having been legally conferred upon King William and Queen Mary jointly, nothing but a law could delegate a sole, and even temporary power, to either of them.

Hence the necessity of this act: the framing of which was very difficult, and created many Parliamentary discussions.—Grey's Debates, vol. x. p. 99 & seq. April 30, 1690.

tember,

tember, 1714, and held and prorogued a Parliament before the arrival of King George the First.

These Commissioners were appointed according to the prescriptions of an act of Parliament which had passed six years before that time; namely, the Sixth of Anne, chapter seven.

1716. 2 G. I. George Prince of Wales, Guardian of the Realm.\*

1719.

\* The commission was attended with the following curious, interesting, and authentic circumstances:

On the 16th of June, 1716, an act of Parliament, the 3d of G. I. c. 5. obtained the Royal assent; by which a clause in the act of settlement was repealed, enacting, "That no person who shall come to possession of the Crown, shall go out of England, Scotland, or Ireland, without the consent of Parliament,"

Without this, the King, it was conceived, could make no arrangements for leaving the kingdom, without a Parliamentary sanction.

On the same day the King, in his speech from the Throne, upon the prorogation of Parliament, declared (according as he was then empowered) in the last paragraph of his speech, "I design to make use of the approaching recess to visit my German dominions;

1719. Fourteen Lords Justices, the Lord Lieutenant of Ireland one of them.

1723. Lords Justices.

1725. Lords Justices.

1727. Lords Justices.

1732. Queen Caroline, Regent and Guardian of the Realm.

1736. Queen Caroline again Guardian of the Realm.

"nions; and to provide for the peace and security of  
"the kingdom during my absence, to constitute my  
"beloved son, the Prince of Wales, Guardian of the  
"Realm, and my Lieutenant within the same."---  
Lords Journals, vol. xx. p. 399 and 396.

In consequence of which the Prince of Wales executed the highest functions of Royalty; and particularly that of proroguing Parliament by a proclamation; as appears from the following entry in the Journals of the House of Commons.

*Jovis, 17 Jan. 1716. Commons Journals, vol. xviii. p. 473.*

"The House being met, according to the last pro-  
"rogation, and in pursuance of a proclamation here-  
"unto annexed, by his Royal Highness George Prince  
"of Wales, Guardian of the Realm of Great Britain,  
"and his Majesty's Lieutenant within the same."

1740.

- 1740. Lords Justices.
- 1741. Sixteen Lords Justices.
- 1743. Lords Justices.
- 1745. Lords Justices.
- 1748. Lords Justices.
- 1750. Lords Justices.
- 1752. Lords Justices.
- 1755. Lords Justices.

The above fifteen commissions were by the King under the Great Seal.

During the journeys of James the First and Charles the First to Scotland, provisions were made for a temporary executive Government; and there is reason to suppose, though these reports do not specify those commissions, that they were composed of the Great State Officers.

The acts of 1st and 2d of Philip and Mary, ch. x, appointed King Philip of Spain, the Queen's husband, Guardian and Regent, if she should leave female issue under fifteen, or male issue under eighteen, years of age.



And the 24th of Geo. II. ch. xxiv. in 1751, and 5th of Geo. III. ch. xxvii. in 1765, appointed, the first, the late Princess of Wales; and the latter, Queen Charlotte, Her present Majesty, Regents and Guardians of the Realm, to be aided in both cases by a Council of Regency.

But these three acts never took effect, according to Blackstone, vol. i. p. 248, 249. And from so plain a state of facts; your Lordships will see, that there was not a colour for the opinions delivered by Mr. Fox, in the House of Commons of England, of a claim of right to the Regency.

I shall not digress, I hope, in alluding to the greatest event, perhaps, of this century---the revival of the States of Parliament of France, which have not met since 1614.

An illustrious Member of this House, and a great ornament in former days to

this country, (Lord Molesworth) in his translation of the *Franco Gallia*, has recorded three instances of the power of the French Parliament to appoint Regents who were not the next in succession to the Crown : viz. in the year 1356, when King John was made prisoner at the battle of Poitiers, the States met, and though he had a son of age, they appointed a Regency of twelve men of their own order to govern the kingdom : in the year 1392, when Charles the Sixth was seized with a sudden madness, the States met ; and decreed the Administration of the kingdom to the Dukes of Normandy and Aquitaine : and in the year 1484, when Lewis the Eleventh died, the States decreed the guardianship of the Minor, to Anne, the late King's sister, notwithstanding that the Duke of Orleans demanded it as his right, from his being next heir to the Crown.

We have at present, my Lords, one advantage over England, namely, that of an executive power: for, notwithstanding the Royal indisposition, the patent of the Lord Lieutenant, which has lately been communicated to me by the Master of the Rolls, gives full regal powers, the privileges of adjourning, proroguing, of holding, and of dissolving Parliaments in Ireland, with only two exceptions: namely, first, that a commission must issue under the Great Seal of England, from His Majesty, to enable the Viceroy to give the Royal assent to our acts of Parliament; and, secondly, that certain offices, named in the patent, the commissions of the Judges, the patents of Bishops and Deans, (as we have no *Congé d'Elire* in Ireland,) are, with military commissions, reserved to His Majesty\*.

My

\* It may not be improper to mention here the change which has taken place in Ireland since 1780;

Before

My private wish has been that these two chafms in our Government, might be filled up, by enabling the Regent (whoever he may be,) to order the Great Seal to be annexed to Irish bills, ac-

Before that time the roll or record of an act of Parliament was transmitted, with a certificate under the Irish Great Seal, to the King and Council in England. The practice since that period is, to transmit an authenticated copy of the act, under the Irish Great Seal, which act remains in the Lords' office, after it has passed the two Houses. This copy, if the tenor of the bill be approved, is sent back to Ireland, with a certificate under the English Great Seal, which forms a commission to the Lord Lientenant, from the King; to give the Royal assent in the same manner in which it is given in England. \*

The reservation of this patronage to the Crown, is said to be of a late date. The Earl Granville in 1727, was the last Viceroy who signed military commissions, and Bishops' patents. This anecdote of his father-in-law I have heard from a Nobleman whom the Public, as well as the Speaker, will readily acknowledge to be one of the best informed men in this, or perhaps in any other, country; namely, the Marquis of Lansdown.

\* Twelfth edition of Blackstone, by Mr. Christian, v. i. p. 102.



cording to the terms of the Chief Baron  
 Yelverton's law; and to vest that pa-  
 tronage in the Lord Lieutenant, which  
 I have heard, since the government of  
 Lord Granville in 1727, was reserved to  
 the Crown; by which means all the  
 great absentee offices would probably be  
 domesticated in this country: at all  
 events, I wish that the person and pow-  
 ers of the Regent may be the same in  
 both countries---not because the English  
 Parliament have adopted certain restric-  
 tions; but because the interest of these  
 kingdoms recommends the same con-  
 duct to both Parliaments; and for a still  
 more powerful reason to Ireland, because  
 our Peerage is *twice* as great as the Eng-  
 lish, \* in proportion to our population,

* English Peers in 1790	280
Scotch	95
Irish	200
<hr/>	
Total (Forty-eight Bishops included)	575
Estimate of the population of England, by Chalmers	8,000,000
Of Scotland	1,400,000
Of Ireland, by Mr. Bushe, in 1790	3,500,000
	and

and our pension list is now without any legal limitation.

There is not any instance of the appointment or removal of a Lord Lieutenant, by a Regent. This assertion your Lordships may see verified in a list of the Irish Chief Governors, from the days of Henry the Second, in Sir James Ware's History of Ireland.

I shall, my Lords, in order to prove this opinion, read the following extract from Sir James Ware's list of these Royal Commissioners or Irish Regents (for as such the Viceroys of Ireland may be considered) since the days of Henry the Second, vol. ii. page 102 :

Geffry de Monte Morisco, Lord Lieutenant in 1216, the last year of King John, was continued in the minority of Henry the Third, by the Regent, the Earl of Pembroke.

Maurice Fitzgerald, Lord Justice, was continued in the first year of Edward the First in 1272.

Sir John Wogan, Lord Justice in the last year of Edward the First, was continued by Edward the Second in 1307.

The Earl of Ormond, Lord Lieutenant in the last years of Edward the Third, was continued by Richard the Second in 1377.

Thomas Butler, Prior of Kilmainham, was Lord Deputy under Henry the Fourth and Fifth, from 1408 to 1413.

The Earl of Ormond, Lord Lieutenant under Henry the Fifth, was continued in the minority of Henry the Sixth in 1422.

In 1153, the Earl of Ormond, Lord Lieutenant for ten years, acted in person, or by deputy, during the Protectorates and Regencies of Richard Duke of York.

In 1547, Sir Anthony Saintleger, Lord Deputy in the last years of Henry the Eighth, was continued in the minority of Edward the Sixth, in the Regency of the Duke of Somerset.

In the reigns of Henry the Seventh and Eighth, of Queen Mary and Elizabeth, of  
James

James the First, Charles the Second, and James the Second, the Lord Lieutenants of their predecessors were continued by those Princes.

Of the present Lord Lieutenant, my Lords, I have a high and a just opinion, as an honest and an able man, as well as of his Secretary, \* whom I have long known, and was a witness of his great diplomatic abilities when he negotiated the late peace at Paris in 1783. I shall never forget the obligations this country owes to Lord Temple's Administration, nor his procuring for us the act of final renunciation in England, unasked and unsolicited by our Parliament: I can see no reason for any man to object to his government; save only those vermin with which this country has been infested since 1753, jobbers, public defaulters, and peculators, whose crimes he has revealed, and whose schemes he has counteracted.

\* Lord St. Helens.



I acknowledge, my Lords, that this country is independent; but it has and may cost Ireland too much to maintain a chimerical independence. I should be sorry to see her independent of her own laws, independent of her safety, of information, and of common sense.

The session of the 33d of Henry VIII. was held without observing the forms of Poynings' law: \* that arbitrary Prince did not chuse to dictate in this instance; but left it to the voluntary arrangement of the Irish Parliament; to unite inseparably the two Crowns of Great Britain and Ireland, by a law of their own. †

My

\* History of the Irish Parliament, by Lord Mountmorres, from 1634 to 1666, vol. i. p. 49, & seq.

† This part of the debate had been exhausted by Lord Lifford, the late Irish Chancellor, who had contended

My Lords, the spirit of that law pre-  
scribes the establishment of the same ex-  
ecutive power in both countries; and  
therefore I disapprove of a premature

tended for the necessity of the same executive power  
in both countries, and had argued that the Irish act  
of the 33d of Henry the Eighth extended to the ap-  
pointment of the same Regent, and the adoption of  
the same powers in Ireland which had been pre-  
scribed in Great Britain, with great ability, though  
a majority were of a different opinion. This part  
of the question was reserved to himself, by previous  
concert, as the Speaker was not sufficiently informed  
to enter into the argument about this statute. It  
was in conformity to his Lordship's *desire* that the  
proposition was made for postponing the question,  
in such a declining state of health, and that this  
speech was *printed*, which has been accurately col-  
lated with the records upon its republication. This  
testimony of one of the best and worthiest of men is  
thus recorded—as men of inferior merit have estab-  
lished pretensions, and have arrogated praise which  
was due to others—since the Minister in Ireland  
found the numbers so strong in the House of Com-  
mons against him, that there was only one division,  
and scarcely a debate in that House, before His Ma-  
jesty's recovery.

address which adopts another principle; and of the title of Prince Regent of Ireland; which is totally unprecedented by any former appointment, and is an absurd stile, a fanciful May garland, the product of the whim of the moment; but it is unsupported by reason or experience, and I hope it will not find its way, into our statute books.

Let not worldly men, and those who govern themselves by a species of discretion, which I call animal instinct, tell me; that men who support the rights of the Crown may check their own fortunes by setting their face against the rising sun. I have a high opinion of the good sense of a Great Personage—I cannot think he would trust those who had been ungrateful to his Royal Father. I remember the expression of Louis the Twelfth, when he had been deprived of the guardianship of his nephew, Charles the Eighth, upon his accession to the  
French

French throne, " That the King of  
 " France should forget the resentment  
 " of the Duke of Orleans."

I conceive, my Lords, that I am rendering him a most essential service by maintaining the rights of that Crown in which he has a clear legal reversionary right ; and not in setting up visionary claims of right to the Regency ; to an office not existing, but to be created by Parliament ; in which he can have no more right than any other subject in these kingdoms ; according to the opinion of a great legal luminary, at the head of his profession in England.

I have the honour to coincide in opinion with a noble and learned Lord, that there is a continued series of convalescence in our Sovereign ; and that our Government in Ireland is nearly complete—witness the late unimpeached prorogation of our Parliament, and the Viceroy's appointment



ment of a noble friend of mine to be joint Postmaster General. \*

Pardon, my Lords, this emphatic stile.—I have the honour of addressing myself to the principal landholders in this country.—To you, my Lords, on this side of the House, the piety of your situation, and that which ought to be your just eulogium, like that of Sir Isaac Newton, “*Evangelii simplicitatem, moribus expressit*,” renders all exhortations of loyalty unnecessary: you will confirm the oath of allegiance by the golden rule of “Do as you would be done by.”—To you, my Lords, on the other side of the House, who have received promotions and creations, and bear resplendent marks of royal favour on your breasts; and the first in title, amongst whom, is the Keeper of those Archives, which are the repository of the antiquity of his family; exhortations are, or ought to be, unnecessary. I cannot

\* Lord Loftus.

suppose,

suppose, that those flowers of royal favour will be nipped by the frost of ingratitude.

Even I, who possibly could only suppose, perhaps, from vanity, that I have been the object of royal favour; have thought myself bound by the oath of allegiance, and by the laws; to support the rights of my Sovereign.

You have before you the example of the Electorate of Hanover, where no alteration in the government has taken place: and you have hopes of our gracious Sovereign's recovery, from that of Philip V. of Spain; who reigned from 1727 to 1746; after he had resigned the Crown from a similar malady.

Those are my sentiments; and had I lived in the days of the fourth Henry; I should have been the admirer, and the humble friend of Gascoyne, and not of Falstaff;

Falstaff; of the venerable Chief Justice, who maintained the dignity of the Crown, the majesty of the laws, and the sacred spirit of the constitution, which can never die; and not the tool of the bloated buffoon, or of the servile sycophant.

The change of manners, with the assumption of the diadem; the reformation of our fifth Henry; is the most charming, the most captivating feature in our annals!

Would that Shakspeare had not painted the last scene of this misconduct — would that he had not told posterity, and represented with glaring colours and unfading varnish; that the fifth Henry had prematurely subtracted the Crown, from the pillow of a sick Monarch, from the couch of indisposition, and from the royal bed-chamber. \*

\* This speech, was preceded and accompanied with the following extraordinary circumstances:

The

The Author designing to be at the commencement of the Irish Parliament, on the 24th of January; had left London, on the 20th instant, in a coach that set out from Bolton's at Charing-Cross, designed to go faster than the mail coach recently established: of two servants, one went with another coach, and another with horses.

This coach was overturned, the second night, near Newport;\* and the door having been left open, it closed upon the foot, and forced the dice bone (as it is called) out of its place, and dislocated the ankle.

The

\* The *affragalos*, so called by a Greek Anatomical term, from its resemblance to a die, is the smallest bone in the foot. This was at first supposed to have been split by the violence of the blow, and the weight of the coach, when the door opened upon its overturn.

To Mr. Hume, the surgeon-general in Ireland, to his mild treatment and unremitting care, the Author, under Providence, owes his life.

Both he and Mr. Hay of Leeds were of opinion, contrary to that of the late John Hunter, that the ligature of the bone only was extended, without a fracture; an opinion, from what follows, that reflects the greatest honour on their discernment.

The latter favoured the Author, with the sight of an anatomical preparation of the skeleton of a foot; that he might be satisfied of the nature of his case, and the extent of his misfortune.

Time alone having operated his cure, and mild treatment, the Author is now enabled to recollect tortures that are described in the episode of *Philoctetes*, in the charming romance of *Telemachus*,



*2nd ed.* The Author crossed the sea in this condition; and after a bad fever, and near three weeks confinement in his bed, the late Lord Chancellor paid him a visit; and, after expressions of his usual regard and constant friendship, requested that he would make one effort at such a crisis, to attend the House next day, if he could rise from his bed, and provided his physicians would give him leave.

The Author expressed his surprise at such a desire from his Lordship and from the Minister; urging his declining state, and his apprehensions that his mind was enfeebled by the tortures he had undergone;

thus, with the consolation that he has recovered his usual health and complete activity, so as to leave no other trace of the accident, save only that the Author cannot buckle his shoe strait, and follow that well-known maxim of the school of a Chesterfield.

It is, however, to be observed, that it was recommended by several eminent men, particularly the late Mr. John Adair, so remarkable an army surgeon, to try the waters of Baresges in 1791; and this remarkable cure was effected in the space of near four years, six months of which he was confined to his house, and the remainder of which he was a cripple; and that it was not till 1792 that he experienced a complete recovery.

Even so long after the accident as June 1791, he had proceeded to Poitiers, in his way to the celebrated baths of Baresges, in the Pyrennees, when he was obliged to return to Paris, from the want of a passport from the Municipality of that city, and the great difficulty of travelling after the late King's escape, and re-capture at Varennes, which prevented his accomplishing that long journey; though he remained till 1792, for near a year, in France.

appearing

appealing to him, whether he did not find that he wandered in his conversation, and whether he could suppose that he could address, or even face a public assembly in such a condition ?

But his Lordship continued his request, repeating that he never knew him to be more collected, and that he found him to be exceedingly well informed upon the subject of the Regency, and all its circumstances in England.

When the Author attended next day, and was carried into the House ; the Lord Chancellor informed him, that he was to reply to the Duke of Leinster's motion, and to move the adjournment of a resolution for appointing the Prince of Wales Regent for three weeks.

The Author desired that it might be moved by the Marquis of Downshire, or some other Lord of greater consequence, weight, and ability ; but it was replied, that no man could do it better, and that the Lord Lieutenant would esteem such an exertion as the greatest favour to Government. His Lordship then added some suggestions, which indicated what happily afterwards turned out to be well founded—of a complete recovery.

The Author then made his motion, and accompanied it with a speech of above an hour ; but he  
was

was unable to rejoin, as he wished ; from the heat of the House, and the unusual fatigues he had experienced from six o'clock till twelve, when the debate ended.

The Author was carried, or supported to the House, and attended the remaining questions upon the Regency ; when the violent exertions in such a state, and his taking an active part in those debates, brought on a fever, and a local complaint that confined him two months to his bed, and as many months to his house.

So far, however, was the Minister from compensating such services, that in all the promotions in the Peerage and in the State, the Author was entirely passed by in favour of *neutrals* ; or men who laid by to obtain promises, and dispose of silent suffrages to the best advantage, neither after his recovery, nor during his illness.

Even in this latter period, when the lamp of life was almost extinguished ; so far was the Minister from a just gratitude for such honourable services at such a crisis ; that he never asked about the Author's health, and forgot the meer forms of politeness and common humanity.

This conduct was, however, noticed by the honourable and generous minds of the people of Ireland ;

land ; nor did it escape the observation of one, who was high in office there at that period ; and who has recently appeared with distinguished eclat in an arduous diplomatic situation, on the theatre of Europe.

*D. St. Melens.*

But the Author, overjoyed at such a miraculous and complete recovery, from his own temperance and good constitution ; and having received a boon from the Almighty, which neither Ministers nor Kings could bestow, never animadverted upon such treatment ; and the Minister having quitted that country with general dislike, from a similar conduct in other matters, the Author, from peculiar and delicate circumstances, declined all personal altercation either in or out of Parliament ; not thinking it creditable or expedient for a man of honour ; to tread upon a degraded character.

*Y. Marquis of Buckingham.*

F I N I S.



...and it is strange the objection to one, who  
...is not a threat at that period, and who has  
...with distinguished color in an ar-  
...the figure of Europe.

...but the Author, conveyed at first a mischievous  
...complete recovery, from his own experience and  
...contribution, from his own experience and  
...which, we think, is not likely  
...and below, upon the same  
...and the Author, in that country  
...from a similar cause in other  
...the Author, from peculiar and delicate cir-  
...defined all personal attention either  
...not thinking it credible  
...to stand upon a  
...lighter position.



